

The Money Behind *Janus*: It's Déjà vu All Over Again

National Review

By Robert Alt

February 26, 2018

This morning, the Supreme Court will hear oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case asks a similar question to one raised just two years ago in *Friedrichs v. California Teachers Association* - namely whether forcing a public employee to choose between subsidizing a union's political speech or being subject to termination for failure to do so violates the First Amendment.

Coming so soon after *Friedrichs* - a case in which the Court deadlocked 4-4 after the tragic and untimely death of Justice Scalia - *Janus* has a déjà vu quality to it. The sense that we have seen all of this before is nowhere more palpable than in the public arguments marshaled by some of the more liberal elements of the media against Mark Janus's case.

Bereft of sufficient legal arguments to justify the First Amendment violations perpetuated against public servants, left-wing publications have resorted to attacking the messenger. Mark Janus, a child-support specialist for the state of Illinois, is accused of being an agent of big corporations and billionaires. The proof? The public-interest law firms that represent Mr. Janus - namely Liberty Justice Center and the National Right to Work Legal Foundation - are accused of taking donations from charitable foundations that support free-market policy.

Just as in *Friedrichs*, it is perfectly unsurprising that foundations and individuals voluntarily would give to non-profit, public-interest law firms that provide free representation to their clients. Indeed, public-interest firms on both the left and the right regularly rely on charitable donations to carry out their work.

What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case. Why would he pay for the lawyers arguing against him? Because he has no choice. Mark is required to pay agency fees to the union, which are used for chargeable expenses like litigation, or he can be fired. And, of course, he is required to pay for political collective bargaining speech, or he can be fired.

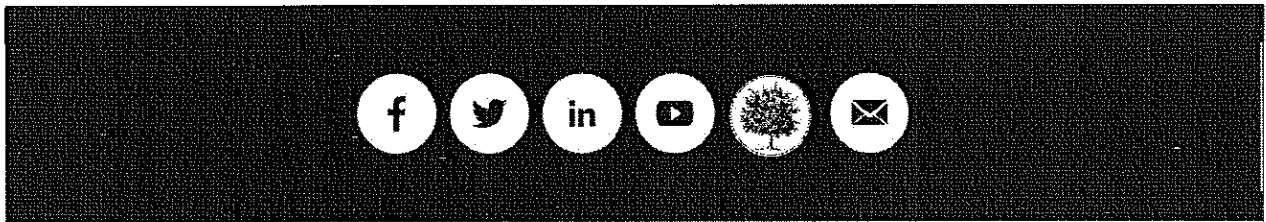
This is the real story of the money behind the *Janus* case-a story of forced contributions for political speech. But the story could have a happy ending. The Supreme Court will hear arguments today in a case that could vindicate the First Amendment rights of millions of Americans like Mark Janus. For Rebecca Friedrichs, for Mark Janus, and for all the workers who are being denied a voice and a choice, let's hope that the second time is the charm.

Robert Alt is the president and chief executive officer of The Buckeye Institute.

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Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



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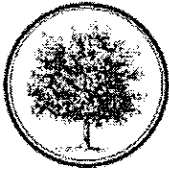
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FOR IMMEDIATE RELEASE
February 26, 2018

After Attending Oral Arguments in Janus v. AFSCME, Buckeye's Robert Alt Reacts

Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement after attending the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31* at the Supreme Court of the United States.

"Today, Mark Janus, and all hard-working public employees, had their day in court. Mr. Janus's lawsuit has the potential to be one of the most important labor and free speech cases in the past 40 years.

"Justice Kennedy, who is traditionally a swing vote on the Supreme Court, asked very tough questions of the union lawyers, in which he expressed major concerns about the speech at issue being both compelled and political. Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree.


"What Mark, and others before him have done is not easy. Standing up for your rights and the rights of others is rarely an easy thing to do, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."

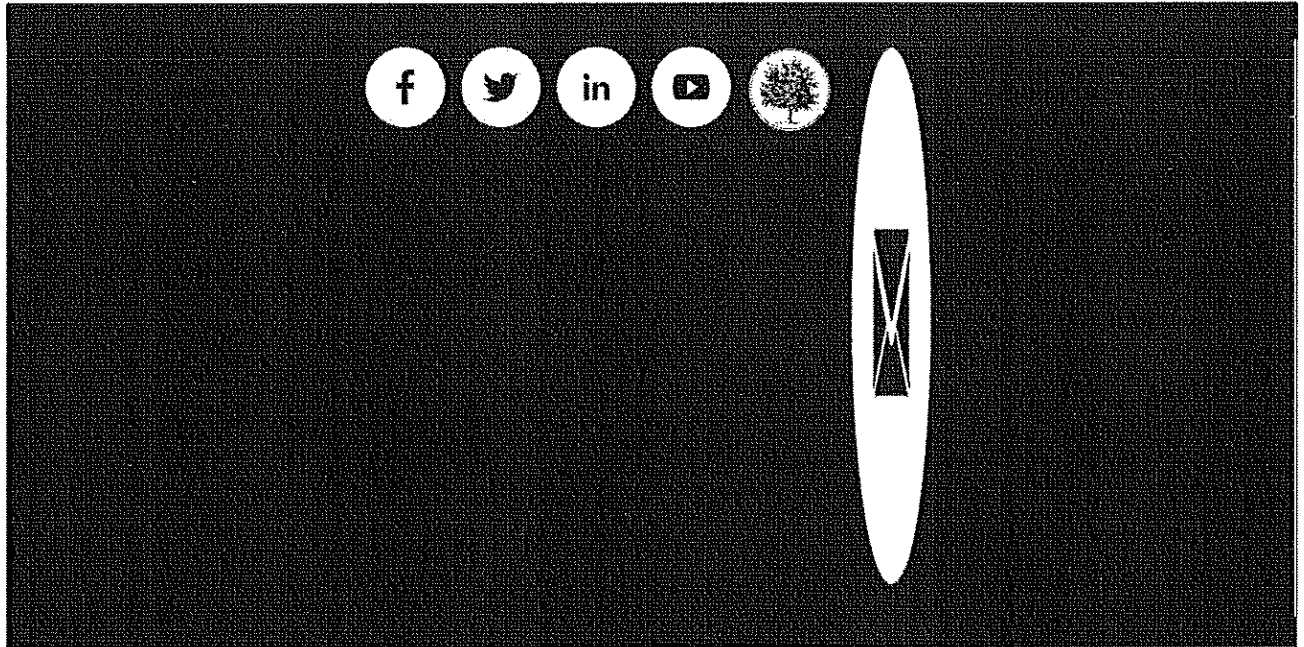
The Buckeye Institute **filed briefs** with the Supreme Court of the United States supporting the free speech rights of public employees like Mr. Janus.

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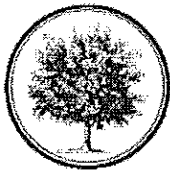
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Buckeye's Robert Alt, Rea Hederman, and Lisa Gates traveled to Washington, DC, for the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, and a rally in support of Mark Janus and hard-working public employees this morning.



Robert Alt (center) with Mark Janus and Rebecca Friedrichs outside the U.S. Supreme Court after oral arguments.

Before they left, **Robert commented on the union rally** in Columbus on Saturday, saying:

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

Before getting in line at 5:45 a.m. to attend the oral arguments this morning, Robert wrote a **piece for National Review** commenting on the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

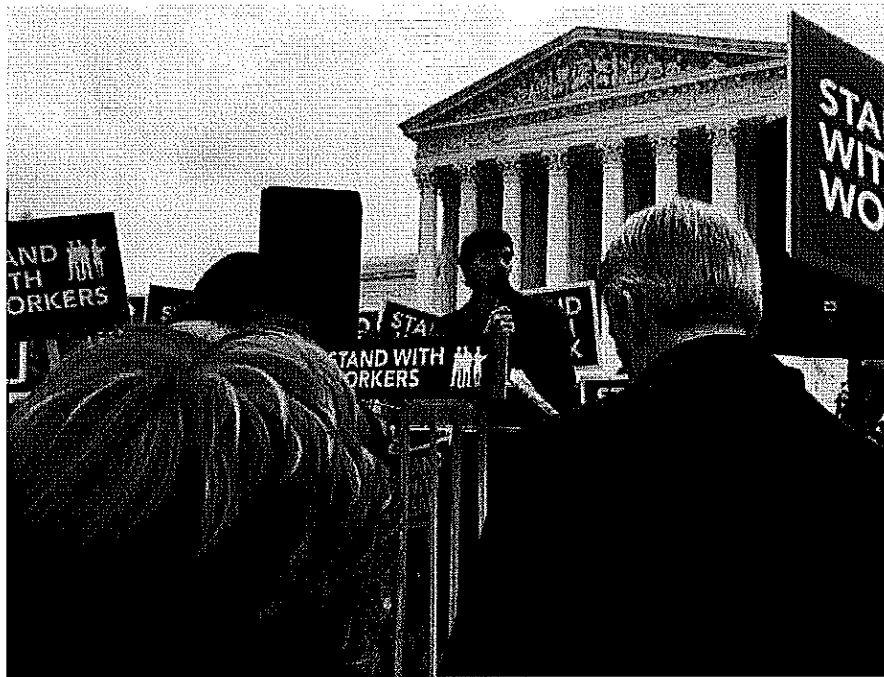
After the oral arguments, Robert **again offered his expert opinion** to the press and his reaction to today's hearing, saying:

"What Mark, and others before him have done is not easy, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."



Robert Alt talks with media about the *Janus v. AFSCME* oral arguments and what the case means for public employees.

While Robert was in the courtroom today, Buckeye's Rea Hederman was on the steps of the Supreme Court speaking at the Stand With Mark rally outside the Supreme Court.



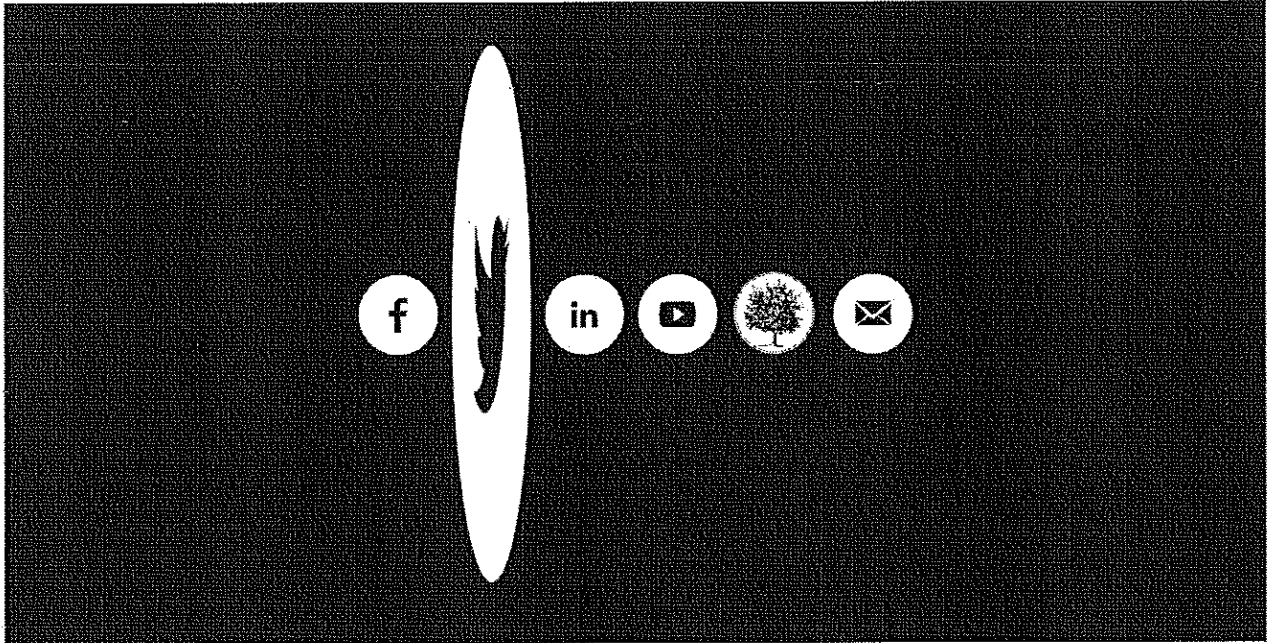
Buckeye's Rea Hederman speaks at the Stand With Mark rally.

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OHIO REPORT MONDAY, FEBRUARY 26

**\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate
Addiction, Related Issues**

**Cardinal Health Among Drug Distributors Targeted In Latest DeWine
Opioid Suit**

Nearly \$29M In State IT Funding Clears Controlling Board

**Adult Charge Stemming From Juvenile Conviction Challenged At High
Court**

Ohio Groups Debate Trump's Short-Term Health Plan Proposal

Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel

Kasich Declares Emergency As Flood Risks Continue

Cyberattack Temporarily Shuts Down State Websites, Phones

Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire

Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...

Governor's Appointments

Supplemental Event Planner

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Senate

CALENDARS

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Day Planner

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Daily Activity Planner for Tuesday, February 27

Legislative Committees

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), Finance Hearing Rm., 9:30 a.m.

HB 159 **MONTH DESIGNATION** (Riedel, C.) To designate May as "Drive Ohio Byways Month." (1st Hearing-Sponsor)

HB 195 **WHEELCHAIR TRANSPORTS** (Ingram, C., Seitz, B.) To modify the provisions concerning the transport of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances. (3rd Hearing-All testimony-Possible amendments & vote)

HCR 19 **HATE GROUPS** (Leland, D., Greenspan, D.) To denounce and oppose the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted by white nationalists and neo-Nazis, to urge law enforcement to recognize white nationalist and neo-Nazi groups as terrorist organizations, and to pursue the criminal elements of these domestic terrorist organizations in the same manner and with the same fervor used to protect the United States from other manifestations of terrorism. (2nd Hearing-Proponent)

HB 336 **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative. (2nd Hearing-Proponent)

HB 250 **ELECTRIC BICYCLES** (Brinkman, T.) To establish requirements for the use of electric bicycles. (1st Hearing-Sponsor)

Senate Local Government, Public Safety & Veterans Affairs (Committee Record) (Chr. Uecker, J., 466-8082), South Hearing Rm., 9:45 a.m.

- Confirmation hearing on governor's appointment of Scott Arthur, State Board of Emergency Medical, Fire and Transportation Services

HB 307 **MONTH DESIGNATION** (Gonzales, A.) To designate September as "We Card Month." (2nd Hearing-Proponent)

HB 229 **DAY DESIGNATION** (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." (2nd Hearing-Proponent)

HB 202 **AWARENESS DAY** (Thompson, A.) To designate the first Saturday of May as "Veterans Suicide Awareness Day." (2nd Hearing-Proponent)

SB 106 **SMOKING** (Tavares, C.) To prohibit smoking in a motor vehicle in which a child under six years of age is a passenger. (1st Hearing-Sponsor)

HB 194 **LICENSE PLATES** (Johnson, T., Craig, H.) To establish a program for the issuance of special license plates related to military service and awards. (4th Hearing-All testimony-Possible amendments & vote)

House Rules & Reference (Committee Record) (Chr. Rosenberger, C., 466-3506), Rm. 119, 10 a.m.

House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.

SB 226 TAX HOLIDAY (Bacon, K.) To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (1st Hearing-Sponsor)

SB 22 TAX LAWS (Peterson, B.) To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law. (3rd Hearing-All testimony-Possible amendments, substitute & vote)

HB 507 TAX CREDIT (Gonzales, A.) To allow a refundable income tax credit for parents of stillborn children. (1st Hearing-Sponsor)

HB 488 TAX LEVIES (Hood, R., Becker, J.) To modify the information conveyed in election notices and ballot language for property tax levies. (1st Hearing-Sponsor & proponent)

Senate Judiciary (Committee Record) (Chr. Bacon, K., 466-8064), North Hearing Rm., 10:15 a.m.

- **Confirmation hearing on governor's appointments of Mark Wasylshyn, Michael Staley, Brian Simms and Jay Beighley, Ohio Private Investigation and Security Services Commission**

SB 66 CRIMINAL LAWS (Eklund, J., Tavares, C.) To modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation. (5th Hearing-All testimony-Possible vote)

SB 231 OFFENDER DATABASE (Gardner, R.) To provide for a violent offender database, require violent offenders to enroll in the database, and name those provisions of the act "Sierah's Law;" to modify the membership and duties of the Ex-Offender Reentry Coalition and eliminate its repeal; to require halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has developed; and to provide that the notice of release from prison of specified serious offense offenders that is given to sheriffs is to be the same as that provided to prosecuting attorneys and eliminate the notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders. (2nd Hearing-Possible amendments)

SB 171 **PROTECTION ORDERS** (Hottinger, J.) To increase the penalty that applies to the offense of violating a protection order under certain circumstances and to require electronic monitoring of those convicted of violating certain protection orders to be carried out by probation agencies. (3rd Hearing-All testimony-Possible amendments)

SB 195 **DOGS LAW** (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (3rd Hearing-All testimony-Possible amendments)

SB 244 **PROSTITUTION** (Dolan, M., Manning, G.) To amend the penalties for promoting prostitution. (2nd Hearing-Proponent)

House Finance (Committee Record) (**Chr. Smith, R., 466-1366**), Rm. 313, 11 a.m.

HB 529 **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. (1st Hearing-Sponsor-Pending referral)

HB 508 **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. (2nd Hearing-Proponent)

HB 378 **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (5th Hearing-All testimony-Possible substitute)

House Economic Development, Commerce & Labor (Committee Record) (**Chr. Young, R., 644-6074**), Rm. 113, 1:30 p.m.

HB 504 **INTERIOR DESIGNERS** (Pelanda, D.) Regarding interior designers. (1st Hearing-Sponsor)

HB 263 **OUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation. (6th Hearing-All testimony-Possible vote)

HB 211 **HOME INSPECTORS** (Hughes, J.) To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. (5th Hearing-All testimony-Possible vote)

HB 433 **VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services. (2nd Hearing-Proponent)

House Criminal Justice (Committee Record) (**Chr. Manning, N., 644-5076**), Rm. 114, 1:30 p.m.

HB 457 **DRUG TREATMENT** (Antani, N.) To require that an offender serving a community control sanction or a parolee who fails a drug test for heroin,

fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days. (2nd Hearing-Proponent)

HB 391 **ECONOMIC LOSSES** (Merrin, D.) To include the cost of accounting done to determine the extent of economic loss as a type of economic loss for which restitution may be granted. (4th Hearing-All testimony-Possible amendments & substitute)

House State & Local Government (Committee Record) (**Chr. Anielski, M., 644-6041**), Rm. 017, 2 p.m.

HB 454 **CEMETERY LOTS** (Patterson, J., Arndt, S.) To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. (5th Hearing-All testimony-Possible vote)

HR 299 **DRUG USE** (Young, R., Ginter, T.) To recognize the efforts and successes of the faith-based community in supporting and assisting individuals who are suffering from opioid and other drug abuse and addiction. (3rd Hearing-All testimony-Possible vote)

HB 483 **WEEK DESIGNATION** (Patterson, J.) To designate the second week of October as "Ohio Covered Bridge Week." (2nd Hearing-All testimony)

HB 484 **HEALTH DISTRICTS** (Brenner, A.) To authorize city and general health districts to use credit cards in accordance with prescribed requirements. (1st Hearing-Sponsor)

HB 492 **STATE PROCUREMENT** (Gonzales, A.) To establish the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals. (1st Hearing-Sponsor)

HB 493 **MINORITY ENTERPRISES** (Gonzales, A.) To authorize the Director of Administrative Services to enter into reciprocal agreements with other states with respect to the certification of minority business enterprises and EDGE business enterprises. (1st Hearing-Sponsor)

HB 500 **TOWNSHIP LAWS** (Carfagna, R.) To make various changes to township law. (1st Hearing-Sponsor)

House Government Accountability & Oversight (Committee Record) (**Chr. Blessing, L., 466-9091**), Rm. 313, 2 p.m.

- **Note time & room change.**

HB 382 **UNEMPLOYMENT COMPENSATION** (Schuring, K.) To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (15th Hearing-All testimony)

- HJR 4** **UNEMPLOYMENT COMPENSATION (Schuring, K.)** Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (15th Hearing-All testimony)
- HB 512** **EDUCATION DEPARTMENT (Reineke, B.)** To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education. (2nd Hearing-Proponent)
- HB 451** **PUBLIC RECORDS (Retherford, W.)** To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. (4th Hearing-All testimony-Possible vote)
- SB 223** **USED TIRES (LaRose, F.)** To prohibit the installation of unsafe used tires on certain motor vehicles. (4th Hearing-All testimony-Possible amendments & vote)
- SB 10** **PRIMARY ELECTIONS (LaRose, F.)** To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (3rd Hearing-All testimony-Possible substitute)
- HB 506** **DOG BREEDERS (Hill, B.)** To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)
- HB 469** **TAX CREDIT (Schuring, K., Patton, T.)** To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects. (2nd Hearing-Proponent)
- HB 489** **FINANCIAL INSTITUTIONS (Dever, J.)** To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection. (1st Hearing-Sponsor-Possible amendments)
- SB 139** **LEGAL MATERIALS (Skindell, M., Eklund, J.)** To adopt the Uniform Electronic Legal Material Act. (1st Hearing-Sponsor)

HB 450 **HEALTH BENEFITS (Antani, N.)** To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits. (2nd Hearing-Proponent)

HB 342 **TAX LEVIES (Merrin, D.)** To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (4th Hearing-All testimony)

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 p.m.

- **Confirmation hearing on governor's appointments of Pamela Mowry, North Central State College Board of Trustees and Jo Ann Davidson and Ranjan Manoranjan, Ohio Casino Control Commission**

SB 266 **CAPITAL APPROPRIATIONS (Oelslager, S.)** To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. (Presentation from OBM Director Tim Keen)

HB 168 **CEMETERY REGISTRATION (Stein, D.)** To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (4th Hearing-All testimony-Possible vote)

HB 251 **SUBDIVISION INVESTMENTS (Greenspan, D.)** To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund. (4th Hearing-All testimony-Possible vote)

Senate Health, Human Services & Medicaid (Committee Record) (Chr. Burke, D., 466-8049), South Hearing Rm., 3:15 p.m.

SB 218 **MEDICAID PROVIDERS (Lehner, P.)** Regarding surety bonds and minimum training for certain Medicaid providers. (1st Hearing-Sponsor-Possible amendments)

HB 332 **ANATOMICAL GIFTS (Antani, N.)** Regarding anatomical gifts, transplantation, and discrimination on the basis of disability. (1st Hearing-Sponsor)

HB 340 **PUBLIC ASSISTANCE (Young, R.)** Regarding the release of information concerning public and medical assistance recipients. (1st Hearing-Sponsor)

SB 233 **COTTAGE FOOD PRODUCTION (Thomas, C.)** To allow a cottage food production operator to use a firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation (2nd Hearing-Proponent)

HB 111 **MENTAL HEALTH COMMITMENTS (Carfagna, R., Ryan, S.)** To authorize certain advanced practice registered nurses to have a person involuntarily

transported to a hospital for a mental health examination. (4th Hearing-All testimony-Possible amendments)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

HB 502 **YOUTH SUICIDE** (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in public schools. (1st Hearing-Sponsor)

HB 503 **YOUTH SUICIDE** (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in private schools. (1st Hearing-Sponsor)

HB 318 **SCHOOL RESOURCE OFFICERS** (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers. (3rd Hearing-All testimony-Possible substitute & vote)

HB 428 **STUDENT EXPRESSION** (Ginter, T., LaTourette, S.) Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018." (3rd Hearing-Opponent)

HB 491 **EDUCATION LICENSE** (Edwards, J.) To require the State Board of Education to issue a substitute license to specified pupil services personnel. (2nd Hearing-All testimony)

HB 360 **BULLYING** (Greenspan, D.) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (4th Hearing-Possible substitute)

Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 4 p.m.

SR 342 **COLUMBUS CREW** (Kunze, S.) To urge the investor-operator and chairperson of Columbus Crew Soccer Club to keep the franchise in Columbus. (2nd Hearing-All testimony-Possible vote)

SB 221 **AGENCY RULEMAKING** (Uecker, J.) To reform agency rule-making and legislative review thereof. (3rd Hearing-Opponent-Possible amendments)

HB 226 **FIREWORKS** (Seitz, B., Sweeney, M.) To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (2nd Hearing-Proponent)

SB 239 **REGIONAL GOVERNMENT COUNCILS** (Dolan, M.) To modify the law concerning regional councils of governments. (3rd Hearing-Opponent)

Agency Calendar

**Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road,
Training Room 1, Reynoldsburg, 8:30 a.m.**

Event Planner

State Auditor Dave Yost and GOP lawmakers news conference on Medicaid compliance, Press Briefing Rm., Statehouse, Columbus, 10 a.m.

Ohio Lobbying Association Annual Meeting & Legislative Reception, Sheraton Columbus at Capital Square, 75 E. State St., Columbus, 4 p.m., (4:00 pm - Annual Meeting for OLA Members; 5:00 pm - Legislative Reception. More info and to register: http://bit.ly/2018_OLA_AM)

Rep. Glenn Holmes (D-McDonald) fundraiser, Westies Gastropub, 940 S. Front Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Committee to Elect Glenn Holmes. RSVP with Jenna Gravalis at 551-427-9895 or jgravalis@ohiodems.org)

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Senate Activity for Monday, February 26, 2018

INTRODUCED

SB 266 ■ **CAPITAL APPROPRIATIONS (Oelslager, S.)** To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020.
Gongwer Coverage

SB 267 ■ **SOLICITING (Brown, E., Kunze, S.)** To increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund. Am. 2907.24 and 5101.87

SENATE PRESIDENT'S APPOINTMENTS

Joint Education Oversight Committee: Senator Gayle Manning as chair .

DELIVERED TO THE GOVERNOR

SB 144 ■ **DISABILITIES COUNCIL (Burke, D.)** To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

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House Activity for Monday, February 26, 2018

INTRODUCED

HB 526 ■ **SCHOOL SAFETY** (DeVitis, T., Sweeney, M.) To authorize a public or chartered nonpublic school to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to provide the parties with a qualified immunity from civil liability, and to provide a tax credit for volunteer service. Am. 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64

HB 527 ■ **VISITATION RIGHTS** (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. Am. 2111.132

HB 528 ■ **CORPSE ABUSE** (Smith, R., Rezabek, J.) To expand the penalties for abuse of corpse offenses. Am. 2927.01 and 2929.13

HB 529 ■ **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. Am. 164.05
Gongwer Coverage

HOUSE SPEAKER'S APPOINTMENTS

Insurance Committee: Remove Representative LaTourette; appoint Representative Lang.

DELIVERED TO THE GOVERNOR

HB 45 ■ **MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

HB 79 ■ **FIREARMS TRAINING** (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement

agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.

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Volume #87, Report #38 -- Monday, February 26, 2018

\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues

The General Assembly is doubling its prior financial commitments for behavioral and mental health infrastructure in the capital appropriations budget that was introduced Monday.

The bill includes \$2.62 billion in new spending on bricks-and-mortar projects as well as a yet-to-be-disclosed amount of reappropriations for ongoing capital projects approved in prior biennia. The bill covers spending in Fiscal Years 2019-2020.

Companion House and Senate measures (HB 529 & SB 266) allocate \$222 million for health and human services, developmental disabilities, mental health, addiction treatment and women's health initiative facilities over the next two fiscal years.

The fast-tracked budget, which will receive first hearings in both chambers on Tuesday, also includes \$150 million in community projects - \$20 million more than the original funding target - \$600 million for school facilities, \$514 million for local infrastructure projects and \$483 million for public colleges and universities.

The state will issue bonds to fund the spending.

The expanded health and human services support funding was added in response to the growing impact of the opiate epidemic, Senate President Larry Obhof (R-Medina) said.

"So where in the prior budgets you may have seen a few of these pop up, I think it's on the minds of a lot of people and we all recognize that these are some of the more important issues facing the state of Ohio and these are some of the things we chose to prioritize."

Some of the projects set to receive a chunk of the \$222 million are Alvis House and Maryhaven in Columbus, President Obhof said. The respective \$300,000 and \$125,000 projects would add about 260 additional treatment beds for addicts in Franklin County.

"We see these things throughout the state and not just in Franklin County, in Cuyahoga and Hamilton counties but in some of rural areas as well," Sen. Obhof said. "There are number of requests that are being funded from members throughout the state of Ohio for things like that."

Of the total allocation for such infrastructure plans, \$20 million will be provided through competitive grants, which were proposed by Gov. John Kasich. (See Gongwer Ohio Report, February 12, 2018)

So-called community resiliency projects that focus on expanding spaces for youth programming would receive the funding, said Senate Finance Committee Chairman Scott Oelslager (R-N. Canton). The Department of Mental Health and Addiction Services and local groups will likely select the recipients.

"We recognize the need there and listened very carefully to the community," he said of the funding dedicated to combatting the opiate epidemic and related issues.

While that area of the budget saw a boost, overall capital appropriations shrunk by about \$10 million from the last budget, Sen. Obhof said. He's hopeful, however, that it will have a similar reach.

"We think that due to sound fiscal management and the hard work we put in in the main operating budget last year, we do have the capacity for the bonding and the funding of various projects throughout the state that you see in the bill," he told reporters after the legislation was introduced.

Leaders of both parties in each chamber worked together to iron out the details prior to the measure's introduction Monday, making it ripe for quick passage.

President Obhof said he expects a Senate vote on the House version - which will serve as the vehicle for the budget - in the week before spring break, which is set to begin in late March.

Local projects were brought forward by individual members for consideration while community colleges and universities created their own priority funding packages. (See Gongwer Ohio Report, November 22, 2017)

"This capital budget will give the legislature a tremendous opportunity to address several infrastructure and construction projects that will generate a positive return on investment for communities all across the state," Speaker Cliff Rosenberger (R-Clarksville) said in a statement. "I want to commend the members of the legislature and local leaders for their collaboration and commitment to helping improve the lives of so many Ohioans through this legislation."

The capital budget has historically drawn bipartisan support as lawmakers look to support money funneled to projects in their communities. That trend is expected to continue this year.

"As legislators, we review capital budget applications, meet with individuals and organizations and visit project sites. You can't help but become passionate about what we can do to invest in Ohio's infrastructure and improve the community," Senate Minority Leader Kenny Yuko (D-Richmond Heights) said. "Although it's unfortunate that we can't fund every much-needed community project that comes to our attention, I am happy with the progress that will be made through the capital budget."

If the capital bill process follows those of prior years, no major changes will occur during deliberations unless there are problems with the bill. The last several capital budgets passed with few if any amendments once they were introduced.

Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit

Attorney General Mike DeWine on Monday announced that he has filed a lawsuit against four drug distributors for their role in the opioid epidemic.

The lawsuit, filed in Madison County Common Pleas Court, alleges that the drug distributors were negligent in over-supplying addictive opioid prescription drugs.

"We believe the evidence will show that these companies ignored their duties as drug distributors to ensure that opioids were not being diverted for improper use. They knew the amount of opioids allowed to flow into Ohio far exceeded what could be consumed for medically-necessary purposes, but they did nothing to stop it," AG Mike DeWine said in a statement.

"And much like the drug manufacturers who continue to fail to do the right thing, these distributors are doing precious little to take responsibility for their actions and help pay for the damage they have caused."

Named in the lawsuit are McKesson Corporation, Cardinal Health and its subsidiaries, AmerisourceBergen Drug Corporation and Miami-Luken, Inc.

Cardinal Health in a statement said it has been cooperating to "alleviate the public health crisis and save lives" though a multi-state effort led by 40 attorneys general and a multi-jurisdictional effort in Cleveland.

"We are extremely disappointed that Attorney General DeWine chose to go outside of these established processes at this critical moment in time to file this unfounded lawsuit," the company said in a statement.

The company went on to say that it cares deeply about the opioid epidemic and that there must be work toward meaningful solutions.

"This is why we launched our Opioid Action Program which augments our substantial efforts to combat opioid abuse and is providing funds and support for take back efforts, Narcan giveaways for first responders, and grants for communities looking to find holistic solutions to this public health issue throughout Ohio," it said.

"Cardinal Health has made a significant investment in state-of-the-art controls to effectively combat the diversion of pain medications from legitimate uses. We believe this kind of effort and investment, and not baseless litigation, is the way to alleviate this problem."

The lawsuit alleges that the companies fueled the opioid epidemic by distributing enough of the drugs to fill more than 11.8 million prescriptions from 2011 to 2016, amounting to dosages that averaged more than 739 million each year.

The drug epidemic has resulted in annual damages in excess of \$1 billion, the lawsuit alleges. Those costs include medical care; treatment for infants born with opioid-related medical conditions; public safety measures; substance abuse prevention; and welfare and social services for the children of addicted parents.

The lawsuit also alleges that more than 7,000 Ohioans have died due to the opioid crisis.

The companies "have supplied and continue to supply quantities of prescription opioids in and around Ohio without taking proper measures based on their actual or constructive knowledge that individuals were consuming opioids for non-medical purposes," the lawsuit reads.

Among the remedies Mr. DeWine is seeking are punitive and compensatory damages.

This marks the second lawsuit the AG has filed against drug companies over the opioid crisis. (See Gongwer Ohio Report, May 31, 2017)

Nearly \$29M In State IT Funding Clears Controlling Board

Controlling Board members Monday approved more funding for state information technology projects after raising questions about performance-based contracts and the state's savings from consolidating services.

The requests from the Department of Administrative Services included one worth nearly \$24.8 million for the state's main IT services delivery line item, which has increased over the years due to the consolidation, DAS Chief Financial Officer Jennifer Leymaster told the board.

The other request, for \$4.4 million, dealt specifically with a pair of projects involving nine agencies, she said.

Rep. Scott Ryan (R-Newark) asked if the state's IT contracts have performance clauses for the timing of delivery or for the accountability of functions.

The request Monday didn't deal with specific contracts, just the appropriation changes needed to cover contract costs, Ms. Leymaster said.

"We'd be happy to see if individual contracts have the type of controls that you're asking about," she said.

Ms. Leymaster told Sen. Charleta B. Tavares (D-Columbus) that the projects are part of a broader optimization project that has saved the state more than \$160 million since its inception.

The board also approved two significant funding requests from the Development Services Agency to support affordable housing after Sen. Bill Coley (R-Liberty Twp.) asked about cost containment measures and access for people with disabilities.

The requests included \$13.6 million for the Ohio Housing Finance Agency to administer the Housing Development Assistance Program, and \$5.5 million for housing assistance programs across the state.

Kelan Craig, director of planning, preservation and development at the Ohio Housing Finance Agency, said the administration has worked to ensure projects are done effectively at low cost.

As for accessibility for people with disabilities, there are specific requirements for projects targeted at seniors and for permanent supportive housing developments, but not for standard affordable housing, he said.

"Let's just watch that and make sure we don't have a problem with that," Sen. Coley said.

A request by the Department of Mental Health and Addiction Services for \$1.1 million to replace the emergency generator at Appalachian Behavioral Healthcare in Athens was approved after Sen. Coley asked about the hospital's involvement in plans to participate in peak demand emergency programs.

Stephen Wilson, legislative liaison for ODMHAS, said the state found it would only save a couple thousand dollars to participate in the utility's peak demand program, while placing strict requirements on hospital staff.

Sen. Coley said the programs can help other facilities, such as industries and schools, when the power goes down.

"Hospitals around the state are finding great benefits to these programs," he said.

In total, the board approved 82 requests for funding.

Other items approved included: (Agenda)

- \$2.9 million - Central State University - for repair and modernization of the Hallie Q. Brown Memorial Library.
- \$11.7 million - Cleveland State University - to contract for an addition project at Fenn Hall.

- \$1.9 million - Cuyahoga Community College - to buy 12.82 acres of real estate in Euclid for the expansion of the Transportation, Distribution and Logistics Academy.
- \$1 million - Adjutant General's Department - for masonry renovation and HVAC work at the Hamilton Readiness Center in Butler County.
- \$4.6 million - DAS - for administration of the Multi-Agency Radio Communication System.
- \$2.3 million - Department of Agriculture - for lab supplies and equipment.
- \$1.1 million - Department of Mental Health & Addiction Services - for emergency generator replacement at Appalachian Behavioral Healthcare in Athens.
- \$1.6 million - Bureau of Motor Vehicles - for federal grants to purchase and install document scanners and update existing computer systems to confirm commercial driver's license applicants provided proof of citizenship or permanent residency.
- \$10.5 million - Facilities Construction Commission - for master facilities plan amendments from Elida Local School District and Bloom-Carroll Local School District.

Adult Charge Stemming From Juvenile Conviction Challenged At High Court

Can a juvenile adjudication be used to satisfy an element of a crime committed as an adult?

Anthony Carnes will argue that it can't in a case the Ohio Supreme Court is set to hear Tuesday.

Mr. Carnes was charged with a third-degree felony offense of weapon-under-disability based on a 1994 juvenile adjudication. He moved to have the charge dismissed, but the trial court denied his motion.

The First District Court of Appeals upheld the trial court's decision. But Mr. Carnes argued that both court erred in their decisions.

"Simply put, juvenile adjudications are not criminal convictions and should not be viewed as such. This conclusion is reinforced by the fact that Ohio's juvenile system uses two different approaches, one mandatory and one discretionary, to transfer its most severe offenders into the adult system, and has a process to include an adult sentence with a juvenile rehabilitation for the next most serious level of offenders," his merit brief reads.

"In line with that approach, this court has prohibited juvenile adjudications from increasing punishment for subsequent adult conduct. Given that framework, it is incongruous for such adjudications to be permitted to turn what would otherwise be lawful conduct into a crime. Thus, a juvenile adjudication should not be deemed to meet an element of an offense charged against an adult."

The Juvenile Law Center and the Buckeye Firearms Association both weighed in on the case on behalf of Mr. Carnes.

"Individuals with Ohio juvenile adjudications do not fit into the long standing prohibition on the possession of firearms by felons because they simply are not felons by definition," the BFA wrote in its amicus brief.

The state, however, argues that a juvenile adjudication cannot be used to enhance a penalty, but it can be used as an element of a crime. The state also contends that if the court were to side with Mr. Carnes it would gut the state's law prohibiting the possession of a weapon under disability.

Under the law, "there are multiple means of being placed under a disability that do not include the right to a jury trial: being a fugitive from justice, being under indictment for a felony offense of violence, being under indictment for a felony drug offense, being drug dependent or in danger of drug dependence, being a chronic alcoholic, and being adjudicated mentally incompetent. Just as is the case with a juvenile adjudication, none of those situations carries a right to a jury trial - state," the state writes.

The Cuyahoga County Prosecutor's Office has also asked the court to affirm the First District ruling.

"Persons who commit violent felony offenses are considered bad risks who should not be allowed to legally possess a firearm. The fact that a person who commits the violent felony offense as a juvenile does not make that person any less of a bad risk," it wrote in an amicus brief.

"But Ohio's weapons disability law recognizes that people can turn their lives around and become law-abiding citizens after committing a single indiscretion or even after committing a series of crimes decades ago. That person can legally possess a firearm after following the appropriate statutory remedy; but until that time, the person should not be able to possess a firearm under Ohio law."

Three district court judges will be involved in the case because Justice Sharron Kennedy, Justice Patrick Fischer and Justice Patrick DeWine have recused themselves.

Justice DeWine concurred in judgement only with the First District's opinion upholding the trial court's decision to deny the motion to dismiss the charge.

The high court is set to hear two other cases Tuesday, it reported:

- In *Ohio Bureau of Workers' Compensation v. Cirino*, it will hear a case involving a Bureau of Workers' compensation beneficiary challenging the electronic payment program because he is charged fees by his bank. The state argues the case must be filed in the Court of Claims.
- A Columbus attorney is facing a six-month stayed suspension for failure to keep and maintain required financial records in the case of *Columbus Bar Association v. Keating*.

Ohio Groups Debate Trump's Short-Term Health Plan Proposal

A Trump administration proposal to expand options for short-term health insurance is designed to give consumers more options in the marketplace without the regulatory burden of current plans.

Opponents say it could lead to more limited coverage and raise premiums for people on standard exchange plans.

The proposal by the federal Centers for Medicare and Medicaid Services, announced last week, would allow short-term, limited-duration health insurance plans to provide coverage for up to 12 months, up from the current maximum of three months.

These plans are not required to meet the federal requirements for individual health insurance, such as providing essential health benefits or coverage for people with pre-existing conditions.

"In a market that is experiencing double-digit rate increases, allowing short-term, limited-duration insurance to cover longer periods gives Americans options and could be the difference between someone getting coverage or going without coverage at all," CMS Administrator Seema Verma said in a statement.

In Ohio, the move will provide more competition in the marketplace for health insurance, said Greg Lawson, research fellow at the Buckeye Institute.

"It's not going to be a perfect fit for everybody, but for those individuals that it works for, this could be something that could work for you, and it would be a cheaper alternative than being forced into the exchange," he said in an interview.

Critics say the change will erode coverage for people who sign up for the short-term plans and drive up premiums for those who need the more comprehensive coverage of Affordable Care Act-compliant plans.

"These short-term plans are likely to be harmful in the long run," said Steven Wagner, executive director of UHCAN Ohio. "Since they may lack meaningful coverage, people may find that their health care costs are not covered or face substantial out of pocket costs. These plans are a step in the wrong direction."

A report by the Urban Institute estimated the change would lead to an increase of 2.5 million people without minimum essential health care coverage by 2019, and an increase of 18.2% in 2019 premiums for ACA-compliant nongroup insurance plans.

The changes would allow people to shop around for the coverage they want, Mr. Lawson said. The Buckeye Institute and others have criticized the ACA exchanges for placing burdensome regulations on insurers and raising premiums.

"In general, what this will allow is you can have more barebones type policies that are more affordable," he said. "I don't think this is necessarily the pathway that we would prefer to see on a permanent basis but given the fact that the affordable care act is still the law of the land, this does give some breathing space."

Mr. Wagner said those requirements ensure people have comprehensive insurance coverage. He called the latest change part of an effort to eliminate coverage requirements created under the ACA.

"The Trump Administration is eating away at the foundations of health care coverage like termites in the foundation," he said. "This change along w the ability to alter the essential health benefits weakens people's access to quality affordable health care."

Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel

The Tax Credit Authority on Monday approved incentives for four projects that promise to create a total of 475 jobs and retain another 1,405 positions, the Development Services Agency reported.

The \$2.81 million in tax credits, an estimate that depends on the companies meeting their hiring goals and other criteria, are projected to help trigger \$41 million in investments and result in more than \$24 million in new payroll, according to the state.

Topping the list in terms of impacted jobs and tax credit value is the \$2.325 million incentive for **Airstream, Inc.** in the Village of Jackson Center in Shelby County.

The designer and manufacturer of travel trailers and touring coaches expects to create 280 full-time positions generating \$14.8 million in new payroll while retaining \$57.2 million in payroll with its expansion project. The TCA approved a 1.874%, nine-year Job Creation Tax Credit for the plans.

The other approved projects (estimated tax credit values) are:

Sedgwick Claims Management Services, Inc. of Hilliard (Franklin Co.). The provider of claims, productivity, managed care, risk consulting and other services expects to create 109 full-time positions generating \$4.3 million in new payroll while retaining \$13.4 million in payroll. The expansion plans attracted a tax credit of 1.31% over seven years (\$400,000).

Veeva Systems Inc. of Dublin (Franklin Co.) plans 46 new jobs, \$3.5 million in new payroll and the retention of \$2.1 million in payroll with its expansion. TCA awarded a 1.62%, seven-year tax credit for the project (\$355,000).

Modular Assembly Innovations LLC of Allen Township (Union Co.), which plans 40 new jobs, \$1.4 million in new payroll and the retention of \$7.6 million in payroll. The provider of manufacturing and modular assembly services to the automotive industry was awarded a 1.055%, six-year JCTC (\$90,000).

Kasich Declares Emergency As Flood Risks Continue

Two days after Gov. John Kasich declared a state of emergency in 17 counties, areas of Ohio are continuing to grapple with flooding.

On Saturday, the governor issued his emergency declaration in the face of flooding - particularly along the Ohio River, which was expected to crest Monday.

Although rains have stopped, flood waters linger in some areas, closing roads and posing ongoing safety risks. The National Weather Service has said flood warnings are expected to persist for several more days in the central U.S. as "numerous river systems will remain in flood stage this week."

"As the weather and flooding is expected to get worse we're staying ahead of things by taking our readiness up to the next level and declaring an emergency where we expect the worst conditions," Gov. Kasich said over the weekend. "We'll quickly add to those areas as it's needed."

Counties affected by the proclamation include: Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Hocking, Jackson, Jefferson, Lawrence, Monroe, Meigs, Muskingum, Scioto and Washington.

The state's Emergency Operations Center had been preparing for this round of flooding since at least Feb. 18. That's the day the Ohio EMA Watch Office began providing regular awareness reports multiple times a day to state, local and federal agencies.

In recent days meals have been provided to the elderly by the Department of Aging, emergency management liaisons have been dispatched to assist county-level operations centers, and swift water rescue teams have been positioned.

"Ohioans do a good job of looking out for each other and we're doing it again now also," Gov. Kasich said. "Teams at the local level are hard at work and state teams have been coordinating with them and supporting them over the past week."

Following the Kasich order, the EMA transitioned from assessment and monitoring to partial activation and the state's Joint Information Center was opened. That followed Ohio National Guard deployments to help install flood gates and a flood wall in Scioto County.

In recent days, state entities have assisted in providing sand bags and a water pump to communities in Lawrence County. A major rockslide on Monday closed a portion of a highway in that county, according to the Ohio Department of Transportation. State geologists were on the scene.

"I urge people to stay safe by staying informed, not taking any chances and checking in on your neighbors, especially seniors and families with young kids," the governor said. "Call your local city, county or Red Cross if there's anyone who needs help. We'll get through this as we always do, by working together."

At the same time, Attorney General Mike DeWine has issued several tips to steer residents away from flood-related scams that may arise.

"As people across Ohio assess the damage and start the clean-up process, we're reminding consumers to beware of scams," Mr. DeWine said. "Some con artists travel to affected communities to take advantage of people. They offer to help, but once they get your money, they're gone. After the flooding, we also could start to see flood-damaged vehicles entering the market. We just warn people to be careful."

Cyberattack Temporarily Shuts Down State Websites, Phones

The Department of Administrative Services is making modifications after a cyberattack blocked state websites and phone systems for multiple hours Sunday evening.

DAS spokesman Tom Hoyt said the attack was launched shortly after 5:30 p.m. Sunday and "was addressed quickly and remediated at approximately 9:50 p.m."

"It was not a breach - no personal information was compromised," Mr. Hoyt said.

Several accounts seemingly affiliated with the so-called "hactivist" group Anonymous appear to be taking credit for the attack on social media. Anonymous-linked users posted screenshots showing error pages that appeared when trying to access state websites.

The attack was a denial-of-service attack, which is a concerted effort in which users bombard a targeted system with requests, thereby overloading and disabling it for legitimate users.

"The attack itself was educational in the sense that we now know how this type of attack is done and we can put in filters and prepare to help us be ready if it happens again," Mr. Hoyt said. This is the first time DAS has grappled with this specific method of a denial-of-service attack.

"These types of attacks can be done in different ways so we're aware of them and prepare for them," Mr. Hoyt said. "This was conducted in a different way, but once you go through that, you learn how it's done and we can prepare for the next time."

It's not the first time the state has been faced with a cyberattack.

Nearly a dozen state websites were impacted last year after hackers posted pro-ISIS messages on state homepages. That "internet graffiti-style" attack, however, was believed to be surface-level in nature with hackers not accessing the state's servers. (See Gongwer Ohio Report, June 26, 2017)

Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire

The Ohio Environmental Council is pointing to a Feb. 15 explosion and fire at a Belmont County oil well as new evidence pointing to the need for increased well setbacks.

But a leading oil and gas group is accusing the council of seeking to block industry development with its latest call for new legislation.

A horizontal well operated by XTO caught fire earlier this month, causing explosions and leading to the evacuation of residents within a one mile perimeter as the well continued to leak methane and other gasses.

XTO has said it has contracted with various companies to monitor the area and oversee cleanup operations. It has also paid to house 100 households who were displaced. Those residing beyond a half mile from the site have since been moved back into their homes.

The OEC said the incident is a "wake up call" demonstrating a need to strengthen Ohio's current law requiring horizontal wells to be located at least 100 feet from rural homes.

"What this incident demonstrates is that Ohio's current setback laws for horizontal oil and gas wells are clearly insufficient and do very little to protect communities from this new wave of oil and gas development," said Melanie Houston, director of climate programs at the Ohio Environmental Council. "Given the frequency of horizontal well pad incidents in Ohio over the past five years, it is past time for Ohio lawmakers to reconsider a safer setback distance."

The group said the incident also shows the need to examine laws requiring well operators to disclose hazardous chemicals to emergency responders. That debate was a point of contention during budget talks last year. (See Gongwer Ohio Report, April 14, 2017)

"State lawmakers also must close the chemical reporting loophole in Ohio law to make sure that first responders such as those responding to last week's incident can get the full accounting of chemical identities during oil and gas emergencies," Ms. Houston said.

The Ohio Oil and Gas Association, however, said 2012 legislation in that arena "created one of the most stringent regulatory programs for chemical disclosure in the nation."

That bill (SB315, 129th General Assembly) was a far-reaching energy mid-biennium review measure that strengthened requirements. But Democrats and environmental groups at the time said it didn't go far enough with its chemical disclosure provisions. (See Gongwer Ohio Report, May 24, 2012)

"The bill required chemical disclosure to all first responders, providing access to the information that they need and allowed (the Ohio Department of Natural Resources) to ask for additional chemical information when there is an incident," said Matt Hammond, OOGA's senior vice president.

As far as the idea of increased setbacks, the organization accused OEC and its allies of attempting to use a setback increase to snuff out oil and gas development.

"We have all heard the calls for increased setback distances since 2003 and found that environmental groups have supported setback distances for the sole purpose to offend the property rights of landowners and effectively block oil and gas development," Mr. Hammond said.

Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...

Sen. Joe Schiavoni (D-Boardman) and Sen. Sandra Williams (D-Cleveland) on Monday announced their intention to introduce a bill allowing for the removal of firearms from people deemed to be an imminent danger to themselves or others.

The proposal would establish an Extreme Risk Protection Order that would allow family or law enforcement to ask a court to temporarily remove firearms for up to one year.

"Family members are often the first to know when a loved one starts showing signs that they're dangerous to themselves or people around them," Sen. Schiavoni, a Democratic gubernatorial candidate, said in a statement. "Sadly, there aren't many options available to be proactive, remove weapons and prevent those moments from becoming tragedies. This bill is common sense. It provides a clear process when loved ones notice those red flags."

Five other states have similar laws. In announcing the intention to introduce the measure, the lawmakers cited Gov. John Kasich, who in a recent television interview expressed support for ERPOs.

"I am pleased to see the conversation turn and the mood shift toward sensible gun safety measures in Ohio," Sen. Williams said. "I'm also pleased to see Gov. Kasich supporting efforts to combat gun violence. We know how to reduce gun violence in America while still respecting the Second Amendment. This bill is a step forward in that direction."

School Safety: State Auditor Dave Yost on Monday rolled out a three-point school safety plan centered on securing buildings.

The attorney general hopeful's plan calls for a statewide inventory of security measures at all 5,200 school buildings across the state and a bond-backed program to modify them to create a single point of entry, install electronic zoned locking systems and add video cameras.

The final piece of the plan calls for the establishment of a training program for school staff volunteers with prior military or law enforcement experience.

"We need to protect our kids at school at least as well as we protect our politicians at work," Auditor Yost said in a statement. "This program takes the same proven tactics and technology we use in government offices-and many private businesses-and puts them to work in our schools, where our greatest treasures are."

Janus Case: A day ahead of the U.S. Supreme Court hearing oral arguments in a case that could have far-reaching implications for public sector unions, hundreds gathered on the Statehouse lawn for the "Working People's Day of Action."

The event also comes in the wake of six pieces of legislation introduced in Ohio to revise collective bargaining laws.

"The Ohio Legislative Black Caucus stands in solidarity with labor and working people," Ohio Legislative Black Caucus President and Rep. Stephanie Howse (D-Cleveland) said in a statement. "Right to Work is wrong and has no place in the state of Ohio. Fair labor practices, equitable pay, representation in the workplace and building power through unity are essential to making Ohio stronger, and should be a guaranteed right to all who are willing to work."

Buckeye Institute President Robert Alt said the questioning by Justice Anthony Kennedy during oral arguments should leave union supporters concerned.

"Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree," he said.

Gun Control: The gubernatorial campaign of Dennis Kucinich continues to put gun control in the spotlight.

In the latest move, Mr. Kucinich's running mate, Akron City Councilwoman Tara Samples, plans to introduce a measure to urge state lawmakers to pass a ban on assault weapons.

"Dennis and I, with the help of more than 2,000 grassroots volunteers, are working to convince every city council and every board of education all across Ohio to support getting these killing machines off our streets," she said in a statement. "I couldn't be more proud that my own community is about to become the first in Ohio to take this step."

New Polling: A Suffolk University/*USA Today* poll released Monday found strong support for additional gun restrictions, including 63% of respondents who want semi-automatic weapons banned.

Another 76% said that people treated for mental illness should be banned from owning firearms and 61% said stronger gun control law and background checks could prevent more mass shootings.

The poll also found that 62% believe schools should be required to have metal detectors and 58% believe there should be a requirement that schools have a armed police officer stationed on campus.

However, just 19% believe the prospects of Congress passing gun-control measures are good to excellent and 25% believe there is a fair chance for legislative action. Another 51% said the chances are poor.

"Voters see a Congress that is deaf to their wishes about remedying gun violence in the United States," said David Paleologos, director of the Suffolk University Political Research Center in Boston

The nationwide survey of 1,000 individuals, which has a margin of error of 3%, also found that President Donald Trump's approval rating stands at 38%, down from 47% one year ago.

"President Trump's job performance ratings have had several ups and downs in the past year, with last March's relatively strong showing coming in the aftermath of a well-received speech to Congress," Mr. Paleologos said. "The bump he got after signing the tax bill in December appears to have been overwhelmed in light of young people challenging him on gun issues and the investigation of Russian meddling in U.S elections."

ODP Training: The Ohio Democratic Party announced Monday that more than 110 candidates took part in its "Main Street Initiative," which provides training and support to candidates.

"What Democrats are seeing nationally, we're seeing here in Ohio, too - the unprecedented energy and enthusiasm of the grassroots is turning into record numbers of Democratic candidates running in races up and down the ballot," ODP Chairman David Pepper said in a statement. "We're proud to support our state and local candidates when they run for office, as we build our bench of great public servants. We look forward to working with our 2018 'Main Street' candidates from now through Election Day and then touting their successes once they're in office."

Governor's Appointments

State Auctioneers Commission: Theresa M. Blocher of Paris for a term beginning February 26, 2018, and ending October 9, 2020.

Board of Nursing: Lauralee S. Krabill of Sandusky and Patricia A. Sharpnack of Chardon for terms beginning February 26, 2018, and ending December 31, 2021

Supplemental Event Planner

Monday, March 5

One Ohio Now news conference on state data ahead of the State of the State Address, Ladies Gallery, Statehouse, Columbus, 1 p.m.

Wednesday, March 7

Rep. Martin J. Sweeney (D-Cleveland) fundraiser, Dempsey's, 346 S. High St., Columbus, 5:30 p.m., (Marty, We Love You; \$1,000-\$5,000; Best Buddy; \$500; Good Pal; \$100 Friend: \$25 to Friends of Martin J. Sweeney)

17 S. High St., Suite 630

Columbus Ohio 43215

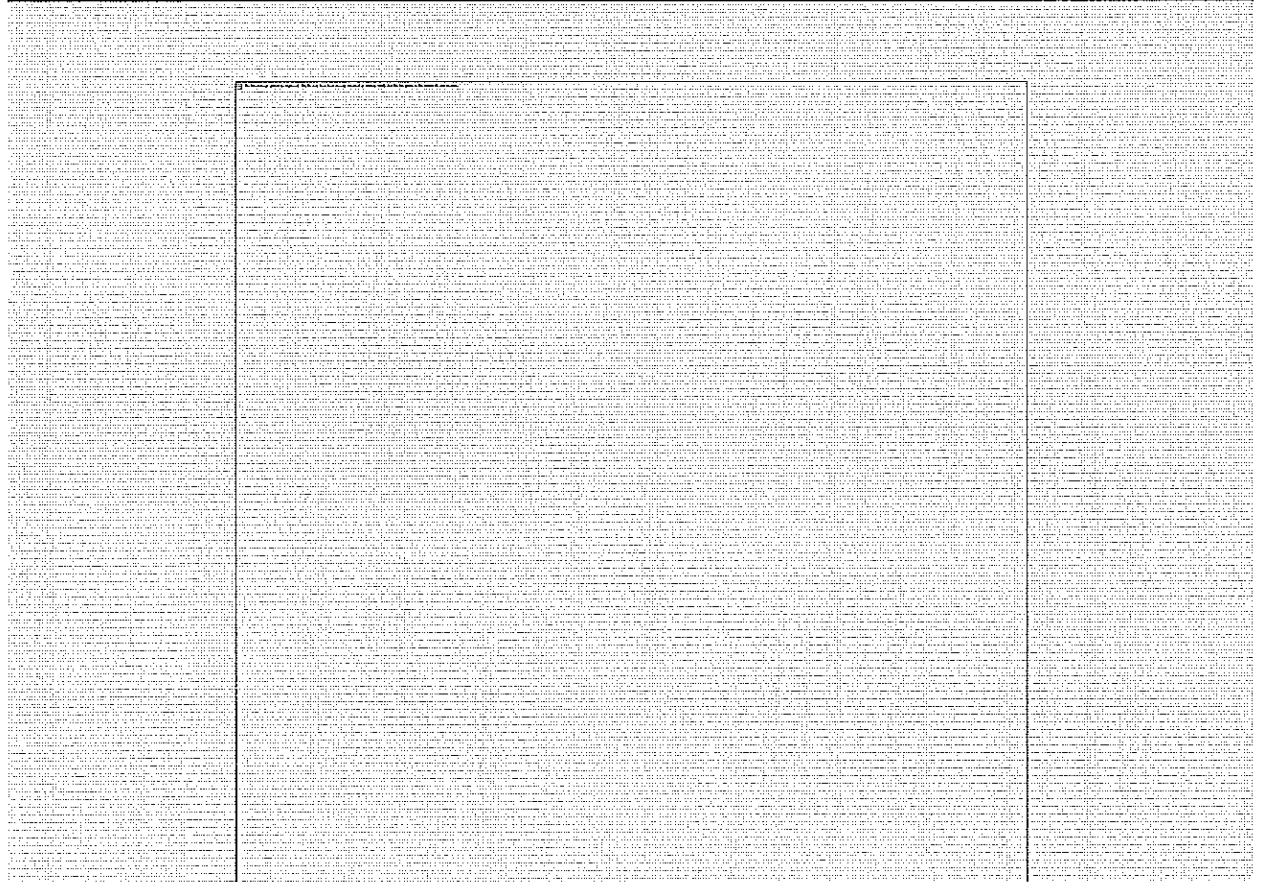
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Click the  after a bill number to create a saved search and email alert for that bill.

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From: Morning Consult
Sent: Tuesday, February 27, 2018 8:46 AM
To: Rep88
Subject: Morning Consult Washington: Background-Checks Bill in Senate Faces Hurdles on Both Sides of the Aisle
Attachments: ATT00001.txt; ATT00002.htm



By Eli Yokley

Top Stories

- Legislation sponsored by Senate Majority Whip John Cornyn (R-Texas) that would encourage states and federal agencies to submit criminal-conviction records to the National Instant Criminal Background Check System ran into new hurdles, raising doubts over the ability of Congress respond to the school shooting in Parkland, Fla. Some Democrats suggested they might withhold their support amid worries Republicans would not pass other gun-control measures, while some conservative Republicans like Sen. Mike Lee of Utah and Sen. Rand Paul of Kentucky raised concerns over the appeal process for people flagged under a strengthened background check system. ([The Wall Street Journal](#))
- White House communications director Hope Hicks is scheduled to be interviewed privately by the House Intelligence Committee today as part of its investigation into Russian interference in the 2016 election, according to two unnamed House officials. Rep. Adam Schiff of California, the top Democrat on the committee, said the panel wants to ask her questions about events and conversations during her time on Trump's campaign and as part of the administration. ([Bloomberg](#))
- A special primary election is being held today in Arizona's 8th District to select the candidates to run in an April 27 special election to replace former Rep. Trent Franks (R), who resigned in December amid allegations of sexual misconduct. Former state Sens. Steve Montenegro and Debbie Lesko are the frontrunners among the dozen GOP candidates, while two Democrats are seeking their party's nod. ([The Associated Press](#))
- Chris McDaniel, a Republican state senator in Mississippi, is expected to announce this week that he will challenge Sen. Roger Wicker (R-Miss.) for the Republican nomination for Senate this year, according to two unnamed sources. McDaniel ran an

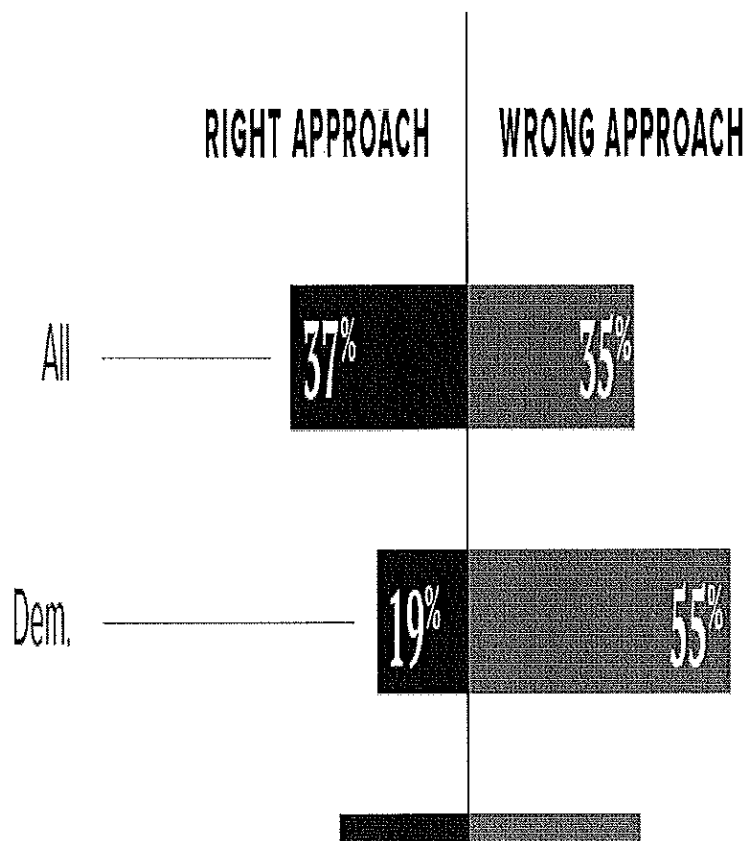
unsuccessful campaign for the party's nomination for Senate in 2014 against Sen. Thad Cochran (R-Miss.). (Politico)

Chart Review

Trump's Economic Policy Toward China Elicits Mixed Reviews From Americans Morning Consult

Republicans Confident in Trump on China

Is President Donald Trump taking the
right or wrong approach to the U.S.
economic relationship with China?



Events Calendar (All Times Local)

TUESDAY

Sens. Cornyn, Hatch, governors participate in U.S. Chamber of Commerce Invest in America Summit 8 a.m.

CBO director testifies at House Budget Committee hearing 10 a.m.

House Energy and Commerce subcommittee hearing on energy infrastructure 10 a.m.

Sens. Carper, Merkley participate in Electric Drive Transportation Association event 12 p.m.

WEDNESDAY

Sen. Peters, Rep. Walden participate in Axios event on self-driving cars 8 a.m.

Sen. Coons participates in Hudson Institute event on foreign policy 11:30 a.m.

THURSDAY

U.S. Chamber of Commerce hosts aviation summit 7 a.m.

Reps. Fitzpatrick, Guthrie, Kuster participate in U.S. Chamber of Commerce event on opioid crisis 8:30 a.m.

Fed's Powell testifies at Senate Banking Committee hearing 10 a.m.

Senate Environment and Public Works Committee hearing on
infrastructure framework

10 a.m.

FRIDAY

No events scheduled



A data-driven look at the future of mobility

An exclusive look at new survey research data that explores consumer receptivity to auto industry innovations, including electric and self-driving cars, energy sources, and even auto insurance.

General

U.N. Links North Korea to Syria's Chemical Weapon Program **Michael Schwartz, The New York Times**

North Korea has been shipping supplies to the Syrian government that could be used in the production of chemical weapons, United Nations experts contend. The supplies include acid-resistant tiles, valves and thermometers, according to a report by United Nations investigators.

State Department point man on North Korea, Joe Yun, to retire Friday **Anna Fifield, The Washington Post**

The State Department's point-man on North Korea, Joseph Yun, will leave his post on Friday, even as there are glimmers of hope that Pyongyang might finally be willing to sit down for talks with Washington. Yun, 63, is retiring as special representative for North Korea policy and deputy assistant secretary for Korea and Japan after more than three decades of service.

Supreme Court Hears Case on Public-Sector Union Fees **Jess Bravin, The Wall Street Journal**

The power of public-sector unions hung in jeopardy Monday after Supreme Court arguments put front and center the raw politics behind a dispute over payroll deductions that support collective bargaining. Justice Anthony Kennedy ticked off an agenda he suggested public-sector unions bring when they bargain with state and local government: "for a greater size workforce, against privatization, against merit promotion, for teacher tenure, for higher wages, for massive government, for increasing bonded indebtedness, for increasing taxes."

**Education Department Launches Investigation Into How MSU
Handled Larry Nassar Abuse**
Alanna Vagianos, HuffPost

The Education Department announced on Monday that it will open an investigation into Michigan State University and how the school handled reports of child sexual abuse involving former doctor Larry Nassar. "This new Title IX investigation will look at systemic issues in the University's handling of sex-based incidents involving Dr. Larry Nassar," Secretary of Education Betsy DeVos said in a press release.

**Housing official says she was replaced for rejecting Carson's
costly office redecoration**
Jon Swaine and Ben Jacobs, The Guardian

A senior career official in the US Department of Housing and Urban Development has alleged that she was demoted and replaced with a Donald Trump appointee after refusing to break the law by funding an expensive redecoration of Ben Carson's office. Helen Foster said she was told "\$5,000 will not even buy a decent chair" after informing her bosses this was the legal price limit for improvements to the HUD secretary's suite at the department's Washington headquarters.

Presidential

Trump to host Macron for first state visit since taking office
Lisa Hagen, The Hill

The White House confirmed Monday that French President Emmanuel Macron has been invited for the first state visit of President Trump's administration. Macron and first lady Brigitte Macron will visit the the White House on April 24, White House press secretary Sarah Huckabee Sanders told reporters at Monday's briefing.

Bizarre legal brawl intensifies at Trump hotel in Panama
Joshua Partlow and David A. Fahrenthold, The Washington Post

Last Thursday afternoon, the majority owner of the Trump International Hotel here in Panama arrived unexpectedly in the building's swank Sky Lobby with an entourage. He wanted to fire the Trump Organization, which has managed the hotel since it opened in 2011.

Trump's Tax Cuts in Hand, Companies Spend More on Themselves Than on Wages
Matt Phillips, The New York Times

President Trump promised that his tax cut would encourage companies to invest in factories, workers and wages, setting off a spending spree that would reinvigorate the American economy. Companies have announced plans for some of those investments.

Senate

Background-Checks Bill Runs Into Hurdles in Congress
Kristina Peterson and Michael C. Bender, The Wall Street Journal

Legislation designed to improve background checks for gun purchases ran into new hurdles Monday, raising doubts about lawmakers' ability to act in the wake of the Florida school shooting. The background-checks bill, sponsored by Sen. John Cornyn (R., Texas), would encourage states and federal agencies, including the military, to submit criminal-conviction records to the National Instant Criminal Background Check System, or NICS.

Fate of Manchin-Toomey background check proposal hinges on Trump, lawmaker says
Cristiano Lima, Politico

Sen. Joe Manchin (D-W.Va.) said Monday the fate of a bipartisan bill to expand background checks on gun sales that repeatedly failed to pass through the Senate is now in the hands of President Donald Trump. Manchin expressed an openness to revive the proposal, which would expand firearm background checks to include online sales and gun shows, but said the proposal would need backing from the White House to gain traction in Congress.

GOP showdown: McDaniel expected to challenge Wicker for Senate

Alex Isenstadt, Politico

Mississippi Republican Chris McDaniel is expected to announce later this week that he will wage a 2018 primary challenge against GOP Sen. Roger Wicker, according to two people briefed on his plans. McDaniel, a conservative state senator who waged an unsuccessful 2014 primary against longtime GOP Sen. Thad Cochran, has scheduled a rally on Wednesday afternoon in Ellsville, Miss.

House

Hope Hicks to Appear Before House Intelligence Panel, Officials Say

Billy House, Bloomberg

White House communications director Hope Hicks is scheduled to be interviewed privately Tuesday by the House Intelligence Committee, which is investigating Russian interference in the 2016 election, according to two House officials familiar with the matter. Her appearance before the committee is scheduled for 10 a.m., said the officials, who asked for anonymity to discuss the plans.

Sex, campaign funding scandals dog US House race in Arizona **Bob Christie and Anita Snow, The Associated Press**

Sex-related and campaign funding allegations involving several top candidates have captured much of the attention in the Republican primary to replace a U.S. congressman from Arizona who quit amid charges of sexual misconduct last year. Because the state relies heavily on mail-in ballots completed before the revelations against two of the lead contenders surfaced, it's unknown how much of an impact they will have on Tuesday's special contest to replace Rep. Trent Franks in the 8th Congressional District.

Most House Democrats get behind effort for new assault-weapons ban

David Weigel, The Washington Post

A supermajority of House Democrats - 156 members of the 193-member conference - have signed on to a new bill that would restore and build on the expired ban on "assault weapons." The legislation, introduced by Reps. David N. Cicilline (D-R.I.) and Ted Deutch (D-Fla.), gained support over the weekend as most Democrats were at home in their districts.

After Florida shooting, U.S. Rep. Kay Granger of Texas proposes funding metal detectors in schools

Rishika Dugyala, The Texas Tribune

U.S. Rep. Kay Granger, R-Fort Worth, said Monday she'll introduce legislation to create a federal grant program for schools interested in installing metal detectors after the Feb. 14 Florida school shooting that took 17 lives. In an interview with The Texas Tribune, Granger said the proposal - which she hopes to submit by the end of next week - would fully fund the installation for schools that have their detailed security plans approved by federal officials.

States

**Twenty states sue federal government, seeking end to
Obamacare**
Eric Beech, Reuters

A coalition of 20 U.S. states sued the federal government on Monday over Obamacare, claiming the law was no longer constitutional after the repeal last year of its requirement that people have health insurance or pay a fine. Led by Texas Attorney General Ken Paxton and Wisconsin Attorney General Brad Schimel, the lawsuit said that without the individual mandate, which was eliminated as part of the Republican tax law signed by President Donald Trump in December, Obamacare was unlawful.

Washington governor confronts Trump at White House
Jordan Fabian, The Hill

Washington Gov. Jay Inslee (D) confronted President Trump on Monday over his proposal to arm educators in order to prevent future school shootings. Inslee stood and objected to the controversial idea during a meeting with the nation's governors at the White House, telling Trump that law enforcement agencies and instructors are both alarmed by the idea of teachers "packing heat" around young children.

Rick Scott gets gun control makeover
Marc Caputo, Politico

Florida Gov. Rick Scott broke with President Donald Trump over the question of gun-toting educators. He's ticked off the National Rifle Association. Suddenly, he's in good graces with the state teachers union, his longtime adversary.

Missouri House forms panel to investigate Gov. Greitens
David A. Lieb and Jim Salter, The Associated Press

The Missouri House formed a special panel of seven lawmakers on Monday to investigate Gov. Eric Greitens following an invasion-of-privacy charge alleging he took a nonconsensual photo of a woman in a compromising position. The committee, which will have subpoena

powers, will determine whether to initiate impeachment proceedings against the Republican governor to try to remove him from office.

Indicted Maryland senator is stripped of his committee assignments

Ovetta Wiggins, The Washington Post

Maryland Sen. Nathaniel Oaks (D-Baltimore City), who is facing federal corruption charges, was stripped of his committee assignments on Monday night following an inquiry by the Joint Committee on Legislative Ethics. Oaks, who did not attend Monday's session, will no longer serve on the Senate Finance Committee.

Ex-Cuomo aide Joseph Percoco gets one charge tossed in corruption case

Victoria Bekiempis, New York Daily News

The federal judge presiding over former Gov. Cuomo aide Joseph Percoco's corruption case has thrown out one of the counts against him. Manhattan Federal Judge Valerie Caproni decided Monday to dismiss a count alleging that Percoco used his official power to get bribes from Syracuse developers Steven Aiello and Joseph Gerardi, in exchange for favors.

Holder group sues Walker for not holding elections in Wisconsin

Edward-Isaac Dove, Politico

The National Redistricting Foundation sued Gov. Scott Walker of Wisconsin on Monday for not holding special elections for two state Legislature seats. The seats, left vacant by an assemblyman and state senator who resigned in December to take jobs in Walker's Republican administration, will otherwise remain open until January 2019, following the regularly scheduled elections for the seats in November.

Advocacy

Luther Strange makes play to return to D.C. Andrew Restuccia and Daniel Strauss, Politico

Voters sent Luther Strange back to Alabama last year, but the former senator is quietly plotting a return to Washington. Strange, who had been appointed to the seat vacated by Attorney General Jeff Sessions but was defeated by Roy Moore in the Republican primary in September, has been on the hunt for a job in Washington over the past few weeks, according to three people familiar with his plans.

Bipartisanship through beer Megan R. Wilson, The Hill

"You have to be patient," Craig Purser, the chief executive of the National Beer Wholesalers Association (NBWA) says, admiring the thick layer of foam on top of the beer in his glass and noting the sensory benefits that come along with it. People don't realize that, Purser adds as he leans against his in-office bar, watching the froth slowly recede.

Opinions, Editorials and Perspectives

Railroads Provide Infrastructure Example John J. Lee and Andy Schor, Morning Consult

Over the next two weeks, the nation's transportation secretaries and county commissioners will meet in Washington, D.C., to discuss issues of mutual concern and make their voices heard to Congress. One issue of great importance to each of these groups is infrastructure—the state of America's roadways, bridges, airports and waterways.

How Republicans Can Win the Midterms Charlie Mahtesian, Politico

There are so many signs of a coming rout in the House in November that's it's almost impossible to envision any way for Republicans to hang onto their 24-seat majority. And yet a faint outline of how the party might pull it off is nevertheless taking shape.

California's Democratic Tea Party
The Editorial Board, The Wall Street Journal

Democrats are having their Tea Party moment, if that isn't unfair to the Tea Party. The Democratic Party is moving sharply left in response to President Trump, as activists look to purge politicians they don't think are partisan or progressive enough.

We All Must Live With Mitch McConnell's Proudest Moment
The Editorial Board, The New York Times

Remember when the Senate confirmed Barack Obama's Supreme Court nominee, Merrick Garland, the veteran federal appeals court judge, to replace Justice Antonin Scalia, who died suddenly two years ago this month? It was a brilliant tactical move by Mr. Obama - picking a moderate, widely respected jurist who had won the highest praise from top Republicans, and giving the court a majority of Democratic-appointed justices for the first time in nearly half a century.

The Nunes memo continues to backfire
Editorial Board, The Washington Post

Republicans have conducted a campaign of misdirection and innuendo in a partisan effort to help President Trump discredit the Justice Department and the FBI. There was already ample evidence of this before Saturday.

Research Reports and Polling

Public Split on Basic Income for Workers Replaced by Robots **RJ Reinhart, Gallup**

Americans are split in their support for a hypothetical universal basic income (UBI) program that would guarantee a minimum income for workers who lose their jobs because of advances in artificial intelligence (AI). Forty-eight percent support and 52% oppose a UBI program for workers who are displaced by technology.



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From: Max.Behlke@ncsl.org

Sent: Tuesday, February 27, 2018 10:31 AM

To: Rep88

Subject: Cap to Cap: This Week: Gun Control and Remembering the Rev. Billy Graham



CapitoltoCapitol

NATIONAL CONFERENCE *of* STATE LEGISLATURES



Feb. 27, 2018

In This Issue:

This Week: Gun Control and Remembering the Rev. Billy Graham

US Supreme Court Hears Arguments in Union Dues Case

White House Meeting on School Safety

Supreme Court to Hear Online Sales Tax Case in April

DACA and Immigration Debate Stalls in Senate

Congressional Appropriators Race to March 23 Deadline

House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures

Also of Note...

This Week: Gun Control and Remembering the Rev. Billy Graham

Congress returned yesterday from its Presidents' Day recess, which was dominated by the issue of gun control. Since the Feb. 14 shooting at Stoneman Douglas High School in Parkland, Fla., the nation has been immersed in an intense debate on what to do to prevent future school shootings. However, don't expect Congress to act this week. While the Senate will be in session all week, the House will conclude business today to make way for the remembrance of Rev. Billy Graham, who will become only the fourth private citizen to lie in honor in the Capitol Rotunda on Wednesday and Thursday.

US Supreme Court Hears Arguments in Union Dues Case

Perhaps the most significant debate on Capitol Hill this week will take place yesterday in the U.S. Supreme Court. The decision could not only affect every member of a public sector union but also result in the largest shift in federal education policy in 40 years.

On Monday, the U.S. Supreme Court heard oral argument in Janus v. American Federation of State, County and Municipal Employees (AFSCME) Council 31. Mark Janus, a public-sector employee in Illinois, is challenging the constitutionality of a state statute allowing public sector employers and unions to agree that employees who don't join the union must still pay their "fair share" of collective bargaining costs. Janus argues that

requiring him to pay his "fair share" of union dues is a violation of his First Amendment free speech rights. Janus asserts he should have the choice to join or not join, pay or don't pay.

Since 1977, when the US Supreme Court ruled in Abood v. Detroit Board of Education, public employees subject to fair share agreements have been required to pay for union representation, even if the worker doesn't join the union.

It is estimated that *Janus v. AFSCME* could impact 5.5 million public sector employees. The ruling could alter the relationship between labor and management, nationwide union membership and dues collection. At present, 22 states authorize fair share for public sector employees.

The *Janus* decision may have an outsized impact on public education given that two of the three largest public sector unions in the nation relate to education—the National Education Association and the American Federation of Teachers. Employees in education had the highest unionization rate of all sectors, with 37.2 percent being represented by a union.

On Dec. 5, attorneys general in 20 states (Michigan, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Missouri, Nebraska, Nevada, Oklahoma, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin) filed an amicus curiae brief in support of Janus. On Jan. 19, attorneys general in 20 states (New York, Alaska, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington) and the District of Columbia filed an amicus curiae brief in support of AFSCME.

In 2016, the U.S. Supreme Court considered a similar case Friedrichs v. California Teachers Union. With the death of Justice Antonin Scalia, the Court deadlocked with a 4-4 decision. Justice Gorsuch could be the swing vote to overturn *Abood*. A decision is expected by the end of June.

NCSL Contacts: Jon Jukuri (labor), Joan Wodiska (education)

DYK? Sunday marked the 25th anniversary of the first terror attack on the World Trade Center. The attack, which killed six people and injured more than a thousand others, involved Islamic terrorists who blew up a 1,200 pound bomb in an underground parking garage in an attempt to collapse the twin towers.

White House Meeting on School Safety

In the wake of the Parkland, Fla., school shooting, last week President Donald Trump, Vice President Mike Pence, and Secretary of Education, Betsy DeVos met with more than 40 survivors, teachers and community members to discuss strategies to reduce school violence. In the meeting, the president expressed his support to improve federal background checks on gun purchases, equip school staff with firearms and explore other avenues to improve school safety. The president also issued a Presidential Memorandum directing the U.S. Department of Justice to "expeditiously as possible, to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns." An official federal regulatory review of the "bump stock" rule began last fall, following the deadly shooting in Las Vegas, Nev. Over 100,000 comments were received and are being reviewed by the Justice Department.

NCSL Contact: Joan Wodiska

Supreme Court to Hear Online Sales Tax Case in April

On Friday, the Supreme Court set the argument date for the *South Dakota v. Wayfair* remote sales tax case for Tuesday, April 17. If the court rules in the South Dakota's favor, every state could be granted the authority to require remote businesses to collect and remit sales taxes on transactions made by their state's residents. If South Dakota loses, the long-term viability of the sales tax as a state revenue stream for states may be in jeopardy. For more, visit NCSL's page that summarizes the case as well as the history of remote sales tax collection issue in the states.

NCSL Contacts: Max Behlke, Jake Lestock

DACA and Immigration Debate Stalls in Senate

Before Congress recessed, and before the re-emergence of the gun control debate, a fierce debate on immigration consumed Capitol Hill. However, lawmakers on Capitol Hill failed to reach a consensus on the issues of immigration reform, border security and the "Dreamers" and there is still no clear path forward for a comprehensive deal. In the Senate, neither of the four immigration-related proposals cleared the 60 vote threshold needed to advance legislation and it is unlikely that any proposal from the House would be entertained by the Senate.

While the president had set March 5 as the deadline for Deferred Action for Childhood Arrivals (DACA) recipients, at which point he would terminate the program, federal district judges in California and New York have delayed that possibility, thus allowing more time for negotiators to work out a deal. On Monday morning, the U.S. Supreme Court denied the administration's request to rule on the legality of DACA in advance of a U.S. Circuit Court decision. In a one sentence denial of the administration's request, the Court stated, "[I]t is assumed that the Court of Appeals will proceed expeditiously to decide this case." The Court of Appeals is expected to rule on the injunction as early as April.

NCSL Contact: Susan Frederick, Lucia Bragg

White House Meeting on School Safety

In the wake of the Parkland, Fla., school shooting, last week President Donald Trump, Vice President Mike Pence, and Secretary of Education, Betsy DeVos met with more than 40 survivors, teachers and community members to discuss strategies to reduce school violence. In the meeting, the president expressed his support to improve federal background checks on gun purchases, equip school staff with firearms and explore other avenues to improve school safety. The president also issued a Presidential Memorandum directing the U.S. Department of Justice to "expeditiously as possible, to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns." An official federal regulatory review of the "bump stock" rule began last fall, following the deadly shooting in Las Vegas, Nev. Over 100,000 comments were received and are being reviewed by the Justice Department.

NCSL Contact: Joan Wodiska

Supreme Court to Hear Online Sales Tax Case in April

On Friday, the Supreme Court set the argument date for the *South Dakota v. Wayfair* remote sales tax case for Tuesday, April 17. If the court rules in the South Dakota's favor, every state could be granted the authority to require remote businesses to collect and remit sales taxes on transactions made by their state's residents. If South Dakota loses, the long-term viability of the sales tax as a state revenue stream for states may be in jeopardy. For more, visit [NCSL's page](#) that summarizes the case as well as the history of remote sales tax collection issue in the states.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

DACA and Immigration Debate Stalls in Senate

Before Congress recessed, and before the re-emergence of the gun control debate, a fierce debate on immigration consumed Capitol Hill. However, lawmakers on Capitol Hill failed to reach a consensus on the issues of immigration reform, border security and the "Dreamers" and there is still no clear path forward for a comprehensive deal. In the Senate, neither of the four immigration-related proposals cleared the 60 vote threshold needed to advance legislation and it is unlikely that any proposal from the House would be entertained by the Senate.

While the president had set March 5 as the deadline for Deferred Action for Childhood Arrivals (DACA) recipients, at which point he would terminate the program, federal district judges in California and New York have delayed that possibility, thus allowing more time for negotiators to work out a deal. On Monday morning, the U.S. Supreme Court denied the administration's request to rule on the legality of DACA in advance of a U.S. Circuit Court decision. In a one sentence denial of the administration's request, the Court stated, "[I]t is assumed that the Court of Appeals will proceed expeditiously to decide this case." The Court of Appeals is expected to rule on the injunction as early as April.

NCSL Contact: [Susan Frederick](#), [Lucia Bragg](#)

DYK? Since 1870, when Senator Hiram Revels of Mississippi and Representative Joseph Rainey of South Carolina became the first African Americans to serve in Congress, a total of 153 African Americans have served as U.S. Representatives, Delegates, or Senators.

Congressional Appropriators Race to March 23 Deadline

The Bipartisan Budget Act of 2018 included the fifth continuing resolution (CR) for fiscal year (FY) 2018 and set new spending caps on how much the government can spend through FY 2019. Now, lawmakers have just four weeks to craft the 12 annual appropriations bills, or one combined omnibus bill, before March 23 when the government is at risk of another government shutdown. To make things even more complicated, the budget deal also had several informal agreements that were agreed to, but did not give specifics. This includes yearly funding of:

- \$3 billion to "fight against the opioid and mental health crises."
- \$10 billion for infrastructure.
- \$2 billion to "rebuild and improve" veteran's health care.
- \$2 billion for "college affordability."
- \$2.9 billion for the child care development block grant.
- \$1 billion for the National Institutes of Health.

Now, appropriators will have to translate how this funding will look while the party leaders act as chaperones to make sure everybody complies with the deal's stipulations. This also may be the last major legislative vehicle of the year, so you can bet lawmakers are rushing to get their priority bills added to the omnibus. The budget deal reached earlier this month also created a joint committee that is specifically tasked with "advancing reforms to the budget and appropriations process." Last week, House leaders made their selections on who would try to tackle this monstrous task. Speaker Paul Ryan chose Steve Womack (R-Ark.), Rob Woodall (R-Ga.), Jodey Arrington (R-Texas), and Pete Sessions (R-Texas), while Minority Leader Nancy Pelosi chose Nita Lowery (D-N.Y.), Lucille Roybal-Allard (D-Calif.), Derek Kilmer (D-Wash.) and John Yarmuth (D-Ky.). Senate leaders have yet to name their eight members to the reform committee.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

DYK? On Feb. 25, 1863, 155 years ago, President Abraham Lincoln signed the National Currency Act (later called the "National Bank Act"), which was the first attempt to establish a central bank following the failures of the First and Second Banks of the United States. The law aim to address the hodge-podge of local banks, local money, and conflicting regulatory standards that existed before the Civil War. The act allowed for the creation of national banks, planned for a national currency, and gave the federal government the ability to sell war bonds and securities.

House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures

House Financial Services Committee Chair, Jeb Hensarling (R-Texas), appears to be open to negotiations with the Senate on Dodd-Frank rollback measures. Hensarling, who has a steady track record of wanting to wholly dismantle Dodd-Frank, now seems to be open to more moderate reforms in a strategic attempt to get legislation to the president's desk.

Hensarling's original banking reform legislation, the Financial CHOICE Act of 2017, would have removed significant portions of Dodd-Frank. His new strategy consists of multiple individual bills amounting to an a la carte offering of banking reform measures. House Republicans are hoping that this strategy is more palatable to moderate senators than the sweeping Financial CHOICE Act, which many deemed D.O.A. in the Senate last year after it passed the House.

In his attempt to work with the Senate, Hensarling seems willing to ease up on tough reform proposals designed to slash the Consumer Financial Protection Bureau—an agency that has proven to be a political lightning rod since its Dodd-Frank inception in 2010. Bipartisan policies that seem to be on the table in both chambers include relaxing regulatory oversight of credit rating agencies and increasing capital holdings thresholds for small and mid-sized banks that currently require heightened scrutiny under Dodd-Frank.

These latest attempts to move bi-partisan banking reform legislation come at the chagrin of some Democrats who feel that such measures would amount to taking a step back after progress made in the post-Great Recession era. If the House and Senate can successfully negotiate the legislation, the president has signaled ardent support for legislation that rolls-back Dodd-Frank in any form.

NCSL Contact: Ethan Wilson

Also of Note...

- Governors to Washington: Stop dithering on guns – POLITICO

State leaders from both parties implored federal lawmakers this weekend to listen to their states' examples for responsible firearm legislation after the school shooting in Parkland, Fla., increasingly exasperated with the slow pace of debate and halting progress in the nation's capital.

- [Trump's personal pilot 'in the mix' to lead the Federal Aviation Administration](#) – Washington Post

President Trump's personal pilot is "in the mix" to lead the Federal Aviation Administration, a White House official confirmed Sunday night.

- [After testy call with Trump over border wall, Mexican president shelves plan to visit White House](#) – Washington Post

Tentative plans for Mexican President Enrique Peña Nieto to make his first visit to the White House to meet with President Trump were scuttled this week after a testy call between the two leaders ended in an impasse over Trump's promised border wall, according to U.S. and Mexican officials.

- [California Democratic Party doesn't endorse Feinstein re-election bid](#) – Fox News

The California Democratic Party will not endorse Sen. Dianne Feinstein's re-election bid this year, with delegates at the party's annual convention giving the majority of votes to her top primary challenger, progressive State Sen. Kevin de Leon.

- [Read the Democratic rebuttal to the Nunes memo, annotated](#) – Washington Post

[Read the Feb. 12, 2018 Capitol-to-Capitol.](#)

Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey](#)!

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the policy directives and resolutions adopted during NCSL's Legislative Summit.



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7700 East First Place, Denver, CO 80230

From: NCSL TODAY

Sent: Tuesday, February 27, 2018 11:17 AM

To: Rep88

Subject: What states are doing about gun laws in wake of Florida shooting

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TOP NEWS Feb. 27, 2018

What states are doing about gun laws in wake of Florida shooting

The New York Times

It is not just in Florida, where the mass shooting at a high school is prompting lawmakers to take up gun control legislation. The same thing is happening across the country, from Washington to Vermont.

[NCSL Blog post on carrying firearms in K-12 schools.](#)

Supreme Court to hear online tax case April 17

Bloomberg

The U.S. Supreme Court will soon hear a long-simmering challenge about states' taxing authority over online retailers. And states should have the high court's answer by the start of summer. **NCSL brief cited.**

[NCSL resources on remote sales tax collection.](#)

What the Supreme Court's ruling means for DACA and 'Dreamers'

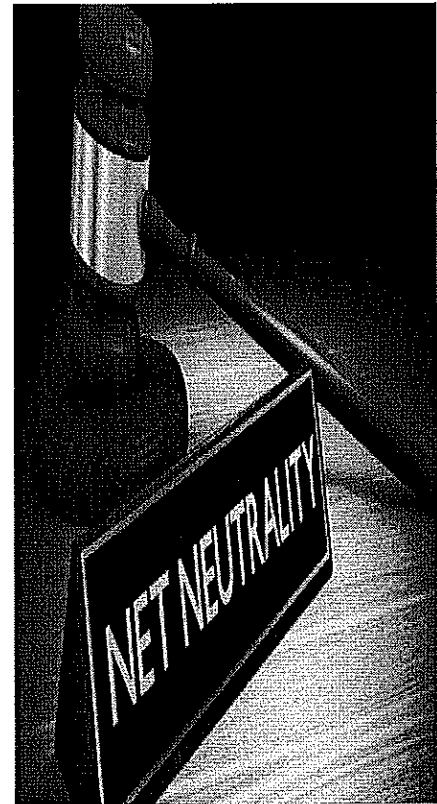
USA TODAY

By refusing to hear a California case, the high court ensured that DACA will survive at least through the fall, giving DACA enrollees a temporary reprieve from deportation and Congress more time to craft a permanent solution for them.

[NCSL resources on DACA.](#)

Iowa lawmakers move to allow health plans that skirt Obamacare rules

The Des Moines Register



FEATURED

Net neutrality legislation in the states

Net neutrality legislation has been introduced in over half of the states, largely in response to the Federal Communications Commission Restoring Internet Freedom Order.

NEW @ NCSL

2018 legislative races by state and chamber

The Iowa Farm Bureau Federation could offer health insurance plans that don't comply with the federal Affordable Care Act under legislation advancing in the Iowa Legislature.

New Jersey lawmakers: Let inmates vote from prison

NJ.com

State lawmakers on Monday announced legislation that would return voting rights to nearly 100,000 people locked up in prison or serving parole or probation.

[NCSL resources on felon voting rights.](#)

Feds provide Connecticut schools money for new students from Puerto Rico

CT Mirror

Connecticut schools scrambled to accommodate the new arrivals — most of them non-English speakers — without additional resources from a cash-strapped state government.

Webinar March 9: Fiscal 50 - How does your state rank?

Price of democracy: Splitting the bill for elections



Gorsuch silent during SCOTUS union dues oral argument

If there ever was a case where the vote of only one Justice is likely to matter it is *Janus v. American Federation of State, County and Municipal Employees*. All attention was focused on Justice Neal Gorsuch this morning as the Supreme Court held oral argument in this case. And he was...silent.

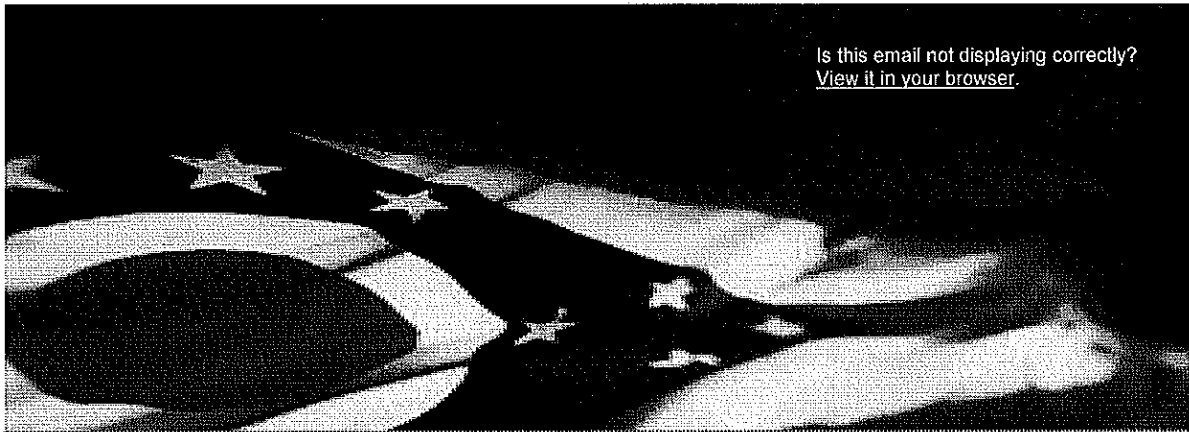


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7700 East First Place, Denver, CO 80230

From: Columbus Lawyers Chapter of the Federalist Society
Sent: Thursday, March 1, 2018 12:21 PM
To: Rep88
Subject: 2018 Ohio Lawyers Chapters Conference



You are invited to attend:

2018 Ohio Lawyers Chapters Conference

April 6, 2018
The Westin Columbus
310 High St.
10:30 AM - 5 PM

Attend Event

On April 6, Federalist Society chapters from around the state will be host the Second Annual Ohio Lawyers Chapters Conference. You won't want to miss it. Participants include:

Hon. Mary DeGenaro

Associate Justice, Ohio Supreme Court

Hon. Gregory G. Katsas

United States Court of Appeals, District of Columbia Circuit

Hon. Sharon Kennedy

Associate Justice, Ohio Supreme Court

Eric Murphy

Ohio State Solicitor

Chad A. Readler

Acting Assistant Attorney General, Civil Division
U.S. Department of Justice

Dave Yost

Ohio State Auditor

and many more

You can view the full schedule below. This is our chance to build on the phenomenal momentum we started last year. So **REGISTER NOW!**

Attend Event

Registration

10:30 AM - 11:00 AM

Opening Remarks

11:00 AM - 11:10 AM

- **Chad A. Readler**, Acting Assistant Attorney General, Civil Division, United States Department of Justice

Introduction to Originalism and Federalism: Where Are the Courts Heading?

11:10 AM - 12:15 PM

Since the 1980s, the originalist approach to constitutional interpretation has gained greater and greater acceptance in legal circles, and the number of originalists within the Supreme Court and the federal judiciary has grown. At the same time, originalism still has fierce critics who argue that it is an inappropriate method for constitutional interpretation. Likewise, in the last decades of the 20th century the U.S. Supreme Court breathed new life into a federalist view of the Constitution and the relationship between the federal government and the states. As with originalism, the federalist movement has its own strong critics. The panelists will discuss these two legal concepts. What are originalism and federalism, really? Are they valid or flawed? What developments may we see from the federal courts with regard to these concepts in the future—particularly in light of Neil Gorsuch’s joining the U.S. Supreme Court in 2017? And how do these concepts apply to the work of ordinary legal practitioners?

- **Professor Jonathan Adler**, Johan Verheij Memorial Professor of Law; Director, Center for Business Law and Regulation, Case Western Reserve University School of Law
- **Eric Murphy**, State Solicitor, Ohio
- **Peter M. Shane**, Jacob E. Davis and Jacob E. Davis II Chair in Law, Ohio State University Moritz College of Law

- **Hon. Gregory G. Katsas**, United States Court of Appeals, District of Columbia Circuit (**Moderator**)

Lunch

12:15 PM - 1:30 PM

Criminal Justice Reform: A Necessary Correction or a Dangerous Experiment?

1:45 PM - 3:00 PM

Demand for criminal justice reform appears to be growing across the political spectrum. Bipartisan coalitions have formed to address overcriminalization, prison reform, bail bond reform, sentencing guidelines reform, and more. Panelists will explore these efforts. Are reforms truly needed, or does the criminal justice system already work well? If reforms are needed, what reforms are best—and are there reforms in other states that may be worth exploring in Ohio? What efforts have the Ohio General Assembly and the Ohio Supreme Court made to address criminal justice reform? Are there arguments that criminal law practitioners should be making in the courtroom in light of these legal developments?

- **Dave Yost**, Ohio State Auditor
- **Robert Alt**, President, Buckeye Institute
- **Heather Childs**, Vice President, Compliance, Capital One
- **Hon. Sharon Kennedy**, Associate Justice, Ohio Supreme Court (**Moderator**)

Analyzing Ohio's Judicial System and the Ohio Supreme Court

3:15 PM - 4:30 PM

What methods of interpretation should Ohio courts use in constitutional matters and in

cases involving disputes over statutory text? Does the Ohio Supreme Court have obligations or restrictions different from those facing federal courts? Are there systemic problems in the Ohio judicial system that the Ohio Supreme Court needs to address? Has the Ohio Supreme Court improperly ignored established precedent or constitutional or statutory requirements in ways that need to be corrected? Can judges really maintain independence if they are elected by voters and must run in partisan primaries? If so, how? What role do lawyers play in building citizen trust and support in the judiciary? Candidates for the two current vacancies on the Ohio Supreme Court will share their views on how the Ohio Supreme Court should address these and other questions. They will also explain how their views are informed and shaped by the Ohio Constitution, the Ohio canons of judicial ethics, and past studies of the administration of justice in Ohio's courts.

- **Hon. Mary DeGenaro**, Associate Justice, Ohio Supreme Court
- **Hon. Craig Baldwin**, Fifth District Court of Appeals
- **Hon. Michael Donnelly**, Cuyahoga County Common Pleas Court

Reception

4:30 PM - 5:30 PM

Additional information and speakers to come.

= 9

Register

= A

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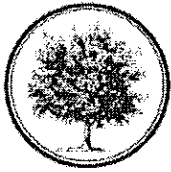
= A



From: John G
Sent: Monday, March 5, 2018 3:46 PM
To: Burke@ohiosenate.gov; Rep88
Subject: Fw: More Than \$18 Million Spent on The Buckeye Institute's Top 10 List of Worst Capital Budget Requests

Dear Dave and Bill, I hope that neither of you support this squandering of Ohio capital funds. Sincerely, John G. Roush, Fremont, OH

From: The Buckeye Institute
Sent: Monday, March 05, 2018 10:54 AM
To: jroush@cros.net
Subject: More Than \$18 Million Spent on The Buckeye Institute's Top 10 List of Worst Capital Budget Requests



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms

FOR IMMEDIATE RELEASE

March 5, 2018

(614) 224-3255 or Lisa@BuckeyeInstitute.org

**More Than \$18 Million Spent on The Buckeye Institute's
Top 10 List of Worst Capital Budget Requests**
Ohio's Capital Budget Riddled with More Than \$85 Million in Pork Spending

Columbus, OH -- Today, **The Buckeye Institute** unveiled its Top 10 Worst Capital Budget Requests of 2018, which total more than \$18 million in spending. Buckeye's review of the capital budget also found more than \$85 million in pork barrel or highly localized projects that should be paid for with private donations or through local efforts.

"As our Top 10 list shows, once again, Ohio's capital budget is riddled with pork projects that benefit narrow local interests and not larger state needs. If these, and other pork

projects in the budget, were funded using local or private dollars, as they should be, Ohio could have at least \$85 million more that it could spend on pressing state priorities, save, or better yet, return to taxpayers," said Greg R. Lawson, research fellow at The Buckeye Institute. "Policymakers should do more to heed our call to focus the capital budget on **strengthening Ohio's physical and democratic infrastructure** and move away from projects of predominately local interest. Simply put, it is hard to see how it benefits someone in Youngstown for Cincinnati to get a soccer stadium or how people in Cleveland benefit from renovations to COSI."

Buckeye's Top 10 Worst Capital Budget Requests of 2018

- **\$400,000** to build government owned broadband networks in North Olmsted, Southern Miami Valley, and Fairborn. The Buckeye Institute has shown these networks would be **better built by the private sector**;
- **\$5 million** for the **COSI Connection Corridor**, a retail and restaurant space, in Columbus;
- **\$1 million** for two **Columbus Zoo exhibits**, which is partially funded by Franklin County property taxes;
- **\$1 million** for an **atrium at the North Market** that will connect it to the 35-story office and residential Market Tower;
- **\$800,000** for six splash pads around the state;
- **\$2.5 million** to expand the **Cleveland Museum of Natural History**;
- **\$1.3 million** to renovate the **Blossom Music Center in Cuyahoga Falls**;
- **\$4 million** for a **new Major League Soccer stadium in Cincinnati**. The money will only be released if Cincinnati is awarded an MLS expansion team;
- **\$1.2 million** for renovations to Cincinnati Playhouse in the Park; and
- **\$1 million** for renovations to the **Toledo Museum of Art**.

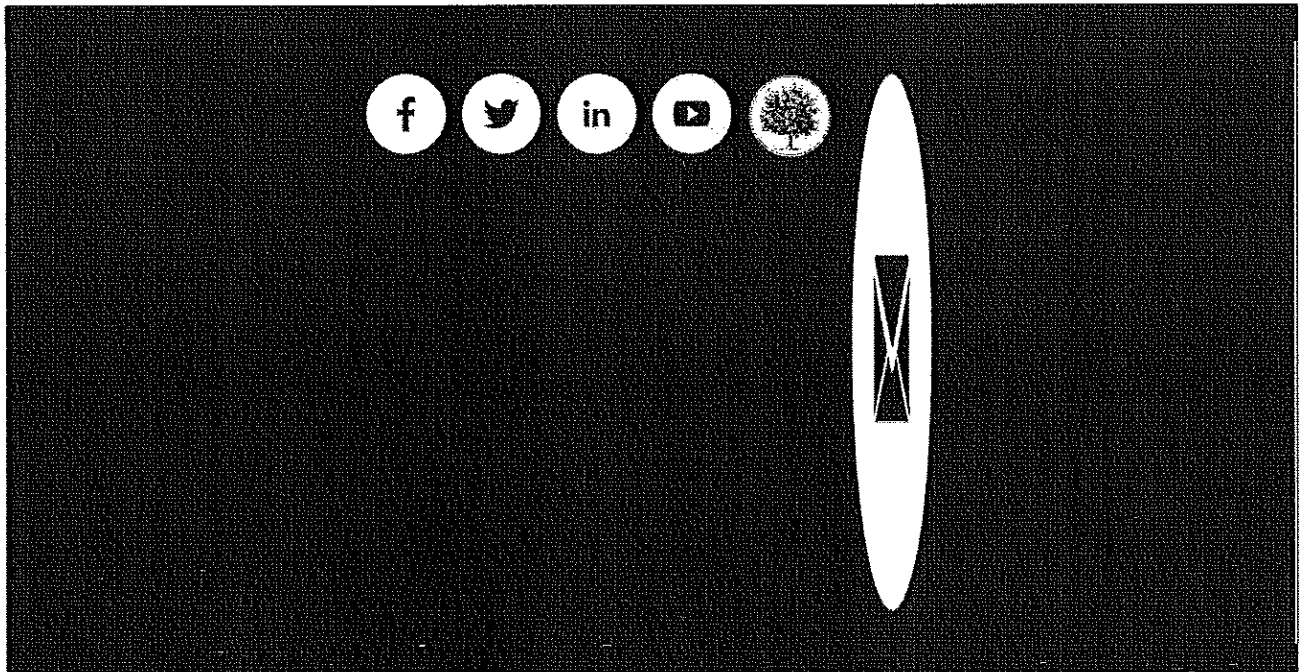
In its report in *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, Buckeye outlined three principles to guide policymakers - constrain the growth of state government, eliminate corporate and special interest welfare, and focus spending on the core functions of state government. The Buckeye Institute also urged policymakers to use the 2018 capital budget to strengthen Ohio's physical and democratic infrastructure.

A review of the capital budget shows that more than \$1 billion is being used to strengthen Ohio's physical infrastructure and there is no money in the capital budget being used to strengthen Ohio's democratic infrastructure.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



The Buckeye Institute, 88 East Broad Street, Suite 1120, Columbus, OH
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Sent by info@buckeyeinstitute.org

From: Max.Behlke@ncsl.org

Sent: Monday, March 5, 2018 4:32 PM

To: Rep88

Subject: Cap to Cap: Trump: New NAFTA Would Prevent Proposed Tariffs



CapitoltoCapitol

NATIONAL CONFERENCE *of* STATE LEGISLATURES



Mar. 5, 2018

In This Issue:

Trump: New NAFTA Would Prevent Proposed Tariffs

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Federal Reserve Chair Jerome Powell Testifies before Congress

Senate to Debate Bill That Exempts Small Banks from Dodd-Frank

Carrying Firearms in K-12 Schools

Court Hears Oral Argument in Janus v. AFSCME Case

NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case

Opioids Crisis Garner Further Federal Attention

Also of Note...

Trump: New NAFTA Would Prevent Proposed Tariffs

Last Thursday, President Donald Trump announced that the United States would impose 25 percent tariffs on imported steel and 10 percent tariffs on imported aluminum. The move, which surprised many in Washington and even many of the president's advisers, rattled the stock market as well as many manufacturing companies that rely on the metals. The announcement also surprised officials in the European Union, who have threatened to retaliate by imposing penalties on \$3.5 billion of U.S. exports, especially on products manufactured in states of Republican leaders, including Harley-Davidson motorcycles (Wisconsin, Speaker Paul Ryan) and bourbon (Kentucky, Senate Majority Leader Mitch McConnell).

The U.S. has experimented with steel tariffs relatively recently. In 2002, President George W. Bush imposed sweeping tariffs on steel imports but dropped them in 2003. The tariffs raised the cost of steel by 3 percent and a [2003 study](#) by the research firm Trade Partnership Worldwide estimated that the higher steel prices, caused chiefly by the tariffs, cost 200,000 steel-consuming jobs in 2003, largely in manufacturing.

This morning, the president tied the tariffs to the ongoing negotiations to rewrite the North American Free Trade Agreement (NAFTA) by tweeting that the "Tariffs on Steel and Aluminum will only come off if new & fair NAFTA agreement is signed." The comments are not particularly surprising as Canada and Mexico were the first and fourth top suppliers of U.S. imported steel in 2017. Given that it is an election year both in the U.S. and in Mexico, many NAFTA watchers believe that talks to renegotiate the three-country agreement may last the rest of the year. However, retaliation against the U.S. tariffs could come much more quickly.

Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today

Representatives from Mexico, Canada and the U.S. convened over the past week for the seventh round of NAFTA negotiations in Mexico City.

Later today, the seventh-round negotiations are scheduled to conclude with a meeting among the U.S. Trade Representative Robert Lighthizer, Canadian Foreign Minister Chrystia Freeland and Mexican Economy Minister Ildefonso Guajardo. The three top trade officials from the NAFTA countries are expected to hold a press conference after the formal round of negotiations are completed.

Last week, Trump announced plans to impose tariffs on steel (25 percent) and aluminum (10 percent) to protect national security interests. However, Trump has not specified whether he will grant exemptions to the tariffs for key allies and vital trading partners. An eighth round of NAFTA negotiations in Washington, D.C., is expected to be held in early April.

NCSL Contacts: Jon Jukuri

This Week on Capitol Hill

The Senate is turning to banking reform as efforts to pass gun control legislation appear to have stalled. The financial legislation, which will provide relief to small financial institutions and community banks, would be the first rewrite of the Dodd-Frank reform bill, legislation enacted nearly eight years ago in wake of the financial crisis. The legislation is expected to consume most of the chamber's floor time this week.

During its brief sessions on Monday and Tuesday last week, the House passed a bill to make it easier for victims and prosecutors to sue websites linked to sex trafficking. This week, the House is expected to vote on two energy and environment bills: the Blocking Regulatory Interference from Closing Kilns (BRICK) Act and the Satisfying Energy Needs and Saving the Environment (SENSE) Act. The BRICK Act would change certain Environmental Protection Agency regulations to benefit the brick and structural clay ceramics manufacturing industries. The SENSE Act would exempt certain power plants, which burn coal refuse, from parts of a 2012 air pollution rule. The House is expected to vote on the bills on Wednesday and Thursday.

The House is also expected to vote on the Comprehensive Regulatory Review Act on Tuesday, which is aimed at eliminating outdated or unnecessary regulations. The bill would require the audit of financial regulations to be completed every seven years, instead of every 10, and would expand the number of federal financial agencies the review requirements apply to.

DYK? Until the adoption of the 20th Amendment to the U.S. Constitution in 1933, U.S. presidents were inaugurated on March 4. However, the first president, George Washington, was not inaugurated until April 30. Although Congress had scheduled the first inauguration for March 4, 1789, they were unable to count the electoral ballots as early as anticipated.

Roadblock to 2018 Infrastructure Bill?

Last week, Assistant Majority Leader, Senator John Cornyn (R-Texas) conveyed doubt that a large infrastructure package would pass Congress by the end of the year because of the large number of other priorities it must complete. While last month's budget deal calls for a \$10 billion boost to infrastructure funding for both FY 2018 and FY 2019, it remains unclear how such funding will be allocated with broadband, surface transportation, and clean and safe drinking water among a bevy of potential options.

While the funding in the budget deal is needed given the state of the nation's infrastructure, it is far from Trump's proposed \$1.5 trillion infrastructure plan. Senator Tom Carper (D-Del.), the ranking member of the Senate Environment and Public Works Committee, responded to Cornyn's remarks by saying, "I hope he's wrong. This administration, the president has talked so much about infrastructure, transportation, broadband deployment, water, sewer. If we can't figure out a path forward on this, shame on the president, shame on the administration, shame on the Congress."

Although a large infrastructure package may face a difficult road to passage, Congress still anticipates passing two other main infrastructure bills—a full four-year reauthorization of the Federal Aviation Administration (airports and drones) and a two-year reauthorization of the Water Resources Development Act (ports, harbors, inland waterways, and clean and safe drinking water).

NCSL Contacts: [Ben Husch](#), [Kristen Hildreth](#)

Commerce Committees Announce Broad Telecom Package

Lawmakers on both the House and Senate Commerce committees have reached a bipartisan deal on a broad package of telecom provisions that will likely be bundled in this month's omnibus bill if a standalone package is not passed beforehand. The deal includes elements of the House's Federal Communications Commission (FCC) reauthorization package, which would provide the agency with more than \$330 million annually in FY 2019 and FY 2020, and includes key provisions from the Senate's Mobile Now spectrum bill. The Mobile Now Act provisions include allowing the FCC to hold upfront spectrum auction bids later this year with the U.S. Treasury.

In a joint statement, House and Senate committee leaders, Representative Greg Walden (R-Ore.), Representative Frank Pallone (D-N.J.), Senator John Thune (R-S.D.) and Senator Bill Nelson (D-Fla.) said the "bipartisan, bicameral product puts consumers first and solidifies the nation's critical telecommunications infrastructure, giving the U.S. a global edge" in the race to develop fifth-generation, or 5G, wireless networks "and in improving internet services across the country."

The legislation, [Ray Baum's Act \(H.R. 4986\)](#), will first be voted on in the House tomorrow, March 6, which is said to be a demonstration vote to congressional leadership that including the legislation in the omnibus bill will not threaten the package's chances of passage.

NCSL Contacts: [Danielle Dean](#)

Federal Reserve Chair Jerome Powell Testifies before Congress

Last week, Fed Chair Jerome Powell appeared before the House and Senate [testifying](#) on the Federal Reserve's semiannual [Monetary Policy Report](#). In his first appearance before Congress as one of the nation's top

financial regulators, Powell commented on current economic conditions, addressing hot topics such as inflation, interest rates and the Fed's years-long accommodative monetary policies. Congressional members also peppered Powell with questions on myriad issues ranging from the new tax law and pending banking reform legislation to lending practices and consumer protection. [View the full Senate testimony.](#)

During his testimony, Powell recognized the Fed's congressional mandate of promoting both maximum employment and stable prices—economic dynamics that tend to operate inversely, especially during times of relatively swift economic growth. Powell reported a generally favorable U.S. economic outlook, citing current job gains, economic growth and unemployment (4.1 percent) numbers. He went on to note that the Fed expects the inflation rate to tick upward, moving closer to the agency's target rate of 2 percent.

Questions remain as to the full cumulative effects of the recent tax legislation combined with historically low unemployment, high labor demand and increasing wages. With more money in the economy and wages on the rise, some believe that inflation will rise at a higher pace than anticipated by the Fed. For now, it appears that the Fed will proceed with at least three incremental interest rate hikes this year, with a fourth possible.

NCSL Contact: [Ethan Wilson](#)

DYK?

Before the 20th Amendment, presidential inaugurations were typically held on March 4. However, when the March 4 fell on a Sunday, as it did in 1821, 1849, 1877, and 1917, the ceremonies were held on March 5.

In 1877, March 4 fell on a Sunday, so on March 3, 1877, Rutherford B. Hayes became the first president to take the oath of office in the White House during a private ceremony. Hayes' also took the oath in a public ceremony on March 5.

On March 4, 1917, President Woodrow Wilson became the first person to break precedent and take the oath of office on Sunday, which was also the first time that the oath was taken privately in the President's Room at the Capitol.

Also, Inauguration day has only fallen on a Sunday three times since the passage of the 20th Amendment. In all three instances, the presidents were sworn in during a private ceremony on Sunday, followed by a public ceremony on Monday.

Senate to Debate Bill that Exempts Small Banks from Dodd-Frank

Last Thursday, Senate Majority Leader Mitch McConnell (R-Ky.) filed a cloture motion on S. 2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act, which is legislation intended to provide smaller banks relief from rules and regulations established under Dodd-Frank. Debate on the measure is expected to last most of the week in the chamber.

In general, the legislation raises the threshold at which a bank is deemed big enough to warrant tighter oversight from \$50 billion to \$250 billion. An initial procedural vote on the bill is expected on Tuesday, where the legislation will need 60 votes to pass, which it is expected to attain given that it is supported by moderate Democrats. More progressive members, however, have vocally opposed the bill. "The Senate—with the support of some Democrats—is set to start debate on a bill to roll back regulations on the same big banks we bailed out a few years ago. If we lose the final vote next week, we'll be paving the way for the next big crash," Senator Elizabeth Warren (D-Mass.) said in a tweet Friday.

Warren, considered a potential 2020 contender, rose through the Democratic Party's ranks by focusing on financial oversight.

NCSL Contact: Ethan Wilson

Carrying Firearms in K-12 Schools

In the wake of the tragic events in Parkland, Fla., federal and state laws governing firearms have been in the forefront of public attention. Last week, the president held a bipartisan meeting to discuss school violence and access to firearms. Trump has indicated support for school staff having access to firearms. This week, the president is expected to meet with "members of the video game industry" to discuss the relationships between violence and video gaming. Read NCSL's Blog post on Carrying Firearms in K-12 Schools: A Policy Snapshot. NCSL Summary Carrying Firearms K-12 Schools

NCSL Contact: Joan Wodiska

Court Hears Oral Argument in *Janus v. AFSCME* Case

Last week, the U.S. Supreme Court heard oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case considers the question of whether state laws that require the

collection of "fair-share" dues in unions violate the First Amendment. While Justice Neil Gorsuch is expected to be the swing vote, last week he remained silent during the oral arguments.

NCSL Contacts: Jon Jukuri (Labor); Joan Wodiska (Education)

DYK? Thirty-six hours after his inauguration on March 4, 1933, President Franklin D. Roosevelt declared a "bank holiday," which closed all U.S. banks and froze all financial transactions for a week to stem bank runs during the financial crisis of the Great Depression. Following the bank holiday, on March 9, Congress introduced, passed, and the president signed the Emergency Banking Relief Act, which allowed banks to reopen as soon as examiners had found them to be financially secure. Within three days, 5,000 banks had been given permission to be re-opened.

NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case

On March 2, NCSL, along with the national organizations that represent state and local officials, filed an amicus brief in the U.S. Supreme Court for one of the most important state tax cases in decades: *South Dakota v. Wayfair*.

In this case, South Dakota is asking the Supreme Court to rule that states and local governments may require retailers with no in-state physical presence to collect sales tax. Ruling this way will require the Supreme Court to overturn long-standing precedent.

The amicus brief points out that states and local governments lost an estimated \$26 billion in sales tax revenue in 2015 because they were unable to collect owed taxes. The brief encourages the Court to overturn *Quill*. If the Court decides to replace the physical presence requirement, the brief asks the Court to adopt an economic nexus requirement—like the one the South Dakota legislature adopted.

NCSL Contacts: Max Behlke, Jake Lestock

Opioids Crisis Garner Further Federal Attention

This week, the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee will hold a full hearing on the Opioid Crisis: Leaderships and Innovation the States. Guest witnesses are Governors Larry Hogan (R) of Maryland and Kate Brown (D) of Oregon. Last week, the president hosted an opioid summit to discuss the administration's efforts to confront the opioid crisis.

NCSL Contacts: Haley Nicholson (Health); Susan Frederick (Criminal Justice); Joan Wodiska (Education)

Also of Note...

- **This Democrat Is Running for Congress—but Not Against Trump** – [The Atlantic](#)
 - **Ryan splits with Trump on trade as GOP lawmakers move to block planned tariffs** - [Washington Post](#)
- **Inside the \$9.1 Million Effort to Bolster Republican Running in Trump Country** – [The Wall Street Journal](#)
- **Mueller subpoenas witness for documents tied to Trump, campaign associates: report** – [The Hill](#)

[Read the Feb. 26, 2018 Capitol-to-Capitol.](#)

Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey!](#)

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the [policy directives and resolutions](#) adopted during NCSL's Legislative Summit.



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Sent: Wednesday, March 7, 2018 7:34 AM
To: Rep88
Subject: Join HPIO for an online seminar on connections between income and health

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Online seminar Connections between income and health



When

Friday, April 6, 2018 from
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Where

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Please register to attend this event. Follow the instructions in your confirmation email to sign up for the webinar using the GoToWebinar website.

More than a century of research has found strong connections between income and health. As a group, people with higher incomes live longer and experience better mental and physical health outcomes. Understanding how income influences health can inform policies, programs and resource allocation to improve both the health and economic wellbeing of Ohioans.

From 12 p.m. to 1 p.m. on Friday, April 6, the Health Policy Institute of Ohio will host a webinar to share highlights from a recent publication, **Connections between Income Health**. A panel of experts will discuss current state-level initiatives to improve incomes and employment opportunities for Ohioans.

Speakers include:

- **Michael Evans**, Project Manager, Ohio Governor's Office of Workforce Transformation
- **Greg R. Lawson**, Research Fellow, The Buckeye Institute

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- **Zach Reat**, Health Policy Analyst, Health Policy Institute of Ohio
- **Kalitha Williams**, Policy Liaison, Policy Matters Ohio

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After you register for the event you will receive an email confirmation with the webinar link and login credentials. You will need to sign up for the webinar using the GoToWebinar website to be able to view the webinar on 4/6/2018. If you have questions or need assistance, please contact Alana Clark-Kirk, aclarkkirk@hpio.net.

Sincerely,

Alana Clark-Kirk
Health Policy Institute of Ohio
aclarkkirk@healthpolicyohio.org
614-545-0755

Health Policy Institute of Ohio, 10 W Broad St,
Suite 1150, Columbus, OH 43215

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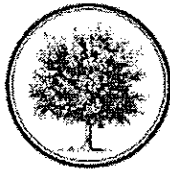
Constant Contact 

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From: John G
Sent: Wednesday, March 7, 2018 12:00 PM
To: Burke@ohiosenate.gov; Rep88
Subject: Fw: The Buckeye Institute: Ohio's 2018 Capital Budget Riddled with Too Many Special Interest Requests

I hope you gentlemen will represent us taxpayers well and push for "principled spending" in the budget!!! John Roush, Fremont, Ohio

From: The Buckeye Institute
Sent: Wednesday, March 07, 2018 10:39 AM
To: jroush@cros.net
Subject: The Buckeye Institute: Ohio's 2018 Capital Budget Riddled with Too Many Special Interest Requests



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms

FOR IMMEDIATE RELEASE

March 7, 2018

(614) 224-3255 or Lisa@BuckeyeInstitute.org

**The Buckeye Institute: Ohio's 2018 Capital Budget
Riddled with Too Many Special Interest Requests**
Greg Lawson Testifies Before Ohio Finance Committee on House Bill 529

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified yesterday (see full text below or [download a PDF](#)) before the Ohio House Finance Committee on House Bill 529, Ohio's 2018 capital budget.

In opening his testimony, Lawson recognized that in many ways Ohio's capital budget adheres to Buckeye's spending principles, which were outlined in *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*. The report "encouraged policymakers to

be guided by three spending principles: constrain the growth of government, eliminate corporate and special interest welfare, and focus on strengthening Ohio's physical and democratic infrastructures."

Although policymakers have allocated money to strengthen Ohio's democratic infrastructure in separate legislation, Lawson noted "the capital budget was not then reduced to maintain spending balance-and it should have been."

Of the capital budget overall, Lawson expressed concern "that this budget, like others before, remains riddled with too many special interest requests, local projects, and some potential boondoggles that veer from providing core government services and infrastructure."

In highlighting the special interest projects, Lawson drew special attention to the 10 that made Buckeye's **Top 10 Worst Capital Budget Requests of 2018**, saying, "We highlight more than \$18 million of taxpayer dollars spent on pork projects that benefit only narrow local interests and not broader statewide needs. And that \$18 million is just the tip of the proverbial iceberg. All of the special interest projects combined pushes that total to at least \$85 million. That is at least \$85 million of pork that could be spent on more pressing priorities, saved, or returned to taxpayers."

Lawson went on to say, "Ultimately, of course, local residents and local taxpayers should have every opportunity to voluntarily choose to fund amphitheaters, performance stages, parks, zoos, and even stadiums out of their own local resources. But Cleveland residents should not be compelled-through state taxes-to pay for the Columbus Zoo, nor should Youngstown residents be made to pay for a soccer venue in Cincinnati."

###

**Interested Party Testimony on House Bill 529
Before the Ohio House Finance Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
March 6, 2018**

Chairman Smith, Vice Chair Ryan, Ranking Member Cera, and members of the Committee, thank you for the opportunity to testify today regarding the Capital Budget.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, a free-market think tank here in Columbus that advocates for low-tax, low-regulation policies that remove barriers to prosperity for Ohioans.

On February 5, The Buckeye Institute released its report, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, which outlined ways to keep Ohio's capital budget focused on principled government spending.[1] Our report encouraged policymakers to be guided by three spending principles: constrain the growth of government, eliminate corporate and special interest welfare, and focus on strengthening Ohio's physical and democratic infrastructures.

In many ways, Ohio's \$2.62 billion budget adheres to these basic principles, but we are concerned that this budget, like others before, remains riddled with too many special interest requests, local projects, and some potential boondoggles that veer from providing core government services and infrastructure.

The Buckeye Institute has just released its Top 10 Worst Capital Budget Requests of 2018,[2] in which we highlight more than \$18 million of taxpayer dollars spent on pork projects that benefit only narrow local interests and not broader state-wide needs. And that \$18 million is just the tip of the proverbial iceberg. All of the special interest projects combined pushes that total to at least \$85 million. That is at least \$85 million of pork that could be spent on more pressing priorities, saved, or returned to taxpayers.

Regrettably, examples of non-essential government spending abound. The \$5 million to build retail and restaurant space at COSI in Columbus-not essential government spending. The \$1 million for orangutan and elephant exhibits at the Columbus Zoo-already subsidized by Franklin County property owners-not essential government spending. The \$800,000 to install splash pads around the state-not essential government spending. And the \$4 million slated for a soccer stadium in Cincinnati-not essential government spending and not likely to live up to the economic hype. As the St. Louis Federal Reserve concluded last year:

Consumers who spend money on sporting events would likely spend the money on other forms of entertainment, which has a similar economic impact. Rather than subsidizing sports stadiums, governments could finance other projects such as infrastructure or education that have the potential to increase productivity and promote economic growth.[3]

Ultimately, of course, local residents and local taxpayers should have every opportunity to voluntarily choose to fund amphitheaters, performance stages, parks, zoos, and even

stadiums out of their own local resources. But Cleveland residents should not be compelled-through state taxes-to pay for the Columbus Zoo, nor should Youngstown residents be made to pay for a soccer venue in Cincinnati.

Then there is the \$400,000 appropriation to build several government-owned broadband networks across the state. As I outlined recently in *Broadband "GON" Wrong*,^[4] private-sector players have already deployed billions of dollars developing state-of-the-art technology to nimbly respond to consumer demands and preferences, while these government-owned networks have proven unable to pay for themselves, leaving taxpayers to pay for networks that few consumers even want to use.

That communities are asking for state money in the capital budget indicates that these networks all too frequently fail to live up to the promises made by government officials, and often lead to further taxpayer subsidies to maintain operations.

Many of the other local projects are not inherently misguided, but insofar as they provide only narrow local benefits and do not strengthen Ohio's physical infrastructure, state policymakers should remove them from the capital budget. Those funds should instead be spent on Ohio's pressing needs, such as building and maintaining water and sewer systems, and state roads.

We are also disappointed that this capital budget will not strengthen the state's democratic infrastructure, including, for example, replacing Ohio's aging voting machines. Such funding appears allocated in separate legislation, but the capital budget was not then reduced to maintain spending balance-and it should have been.

Finally, and perhaps most critically, policymakers must remember that a lack of fiscal restraint, even during good economic times, unwittingly creates unrealistic spending expectations over time. Using the capital budget to fund local projects rather than state priorities will only make it harder for policymakers to curb and manage state spending when tough economic times inevitably arrive.

Today, even as the state budget looks solidly in the black, the danger of recession and fiscal instability still lurks. Recall, for instance, how unforeseen challenges required immediate and multiple adjustments to the last biennial budget due to lower than expected revenues. Prudence cautions against the tempting but non-essential government spending included in this capital budget. For the sake of Ohio taxpayers, such temptation must be resisted.

Thank you and I look forward to answering any questions that the Committee may have at this time.

[1] Greg R. Lawson and Quinn Beeson, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, The Buckeye Institute, February 5, 2018.

[2] **More Than \$18 Million Spent on The Buckeye Institute's Top 10 List of Worst Capital Budget Requests**, The Buckeye Institute press release, March 5, 2018.

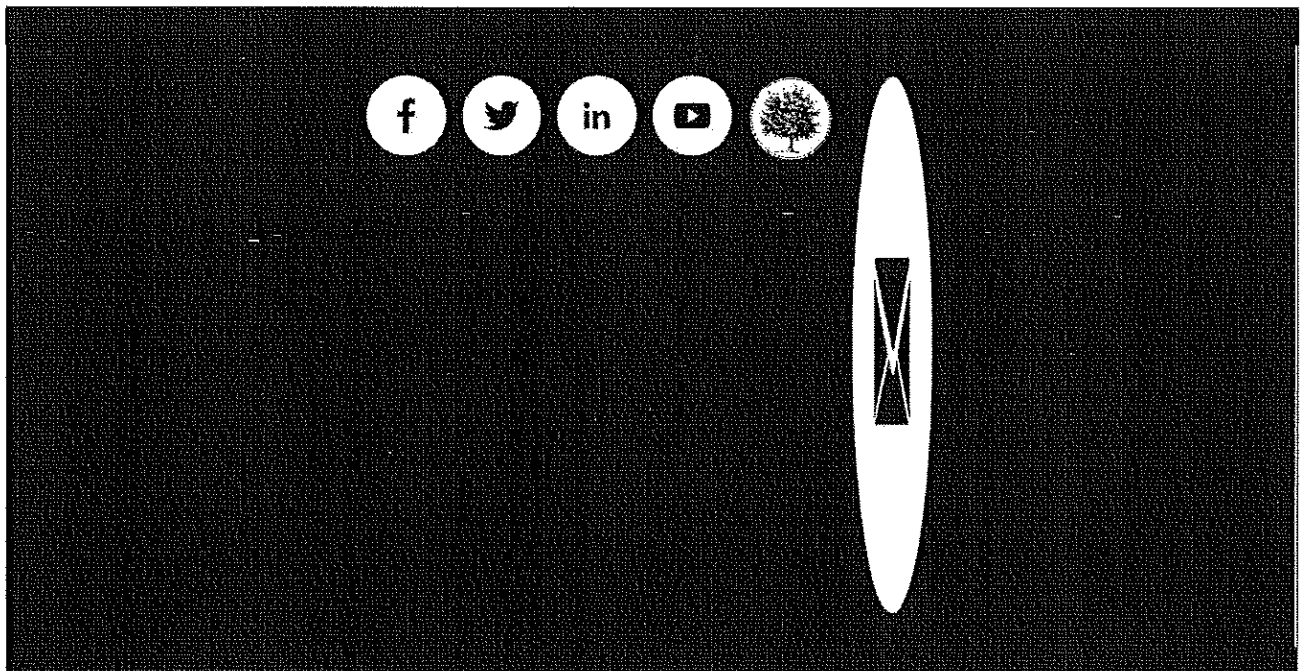
[3] Scott A. Wolla, *The Economics of Subsidizing Sports Stadiums*, Federal Reserve Bank of St. Louis, May 2017.

[4] Greg R. Lawson, *Broadband "GON" Wrong: Remembering Why Government-Owned Broadband Networks are Bad for Taxpayers*, The Buckeye Institute, February 14, 2018.

###

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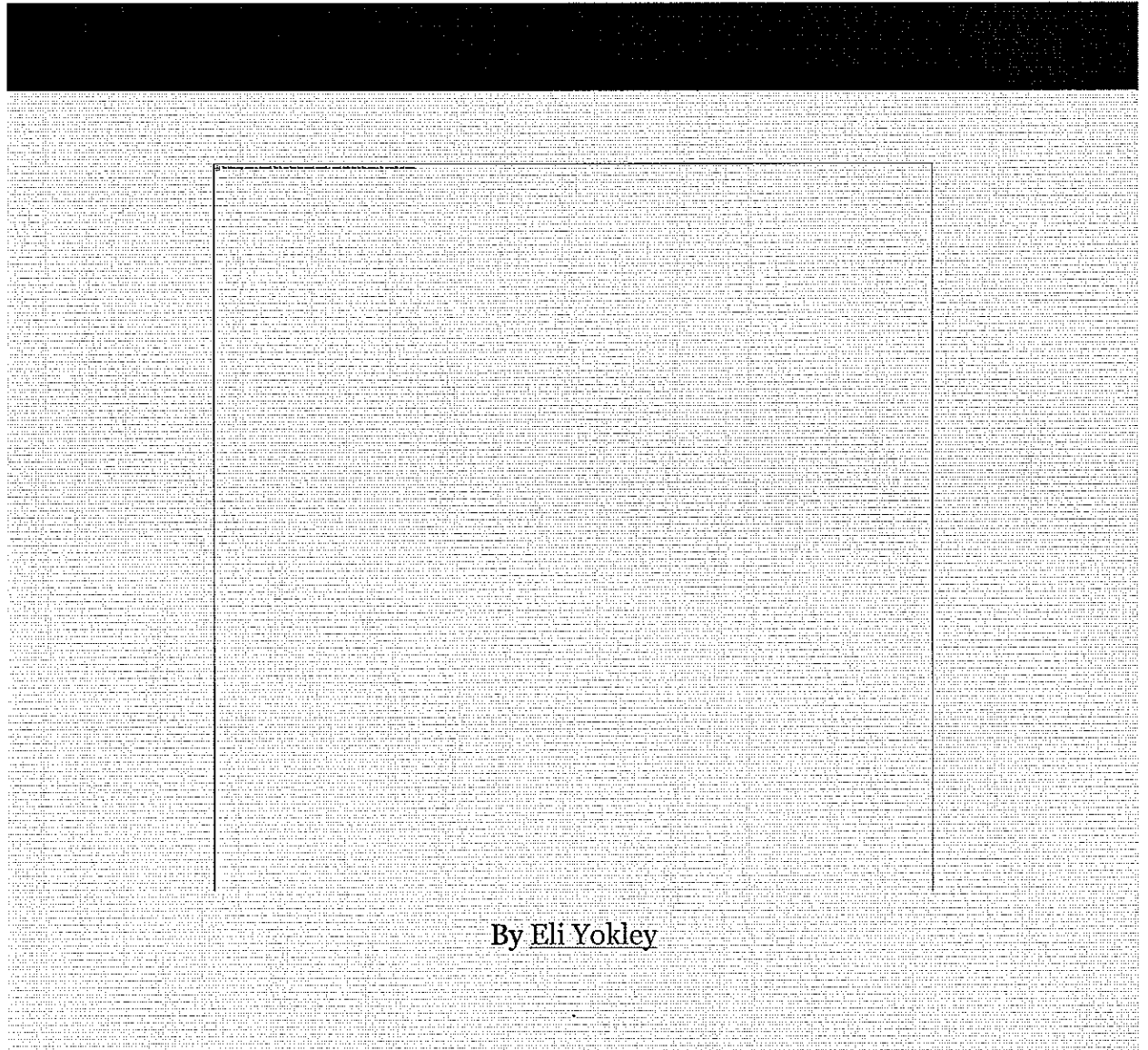
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From: Morning Consult
Sent: Tuesday, March 13, 2018 9:05 AM
To: Rep88
Subject: Morning Consult Washington, Presented by CVS Health: Trump Ousts Tillerson as Secretary of State, Replaces Him With CIA's Pompeo
Attachments: ATT00001.txt; ATT00002.htm



By Eli Yokley

Top Stories

- President Donald Trump has ousted Secretary of State Rex Tillerson and chosen Mike Pompeo, director of the Central Intelligence Agency, to replace him. Trump, who has long clashed with Tillerson, asked him to step aside last Friday. ([The Washington Post](#))
- Republican members of the House Intelligence Committee said their investigation found no evidence of collusion between Trump's campaign and Russia to sway the 2016 U.S. presidential election. The announcement brought an abrupt close to one of two remaining probes into the issue on Capitol Hill, and it elicited sharp objections from committee Democrats, who have warned Republicans not to end their investigation before special counsel Robert Mueller is finished with his. ([The New York Times](#))
- Trump blocked Broadcom Ltd., a Singapore-based company, from its hostile takeover of U.S. chipmaker Qualcomm Inc., signaling that any deal that could give China an advantage in critical technology will be blocked in the name of national security. China loomed large over the U.S. government's fears about a foreign takeover of Qualcomm, and Trump's executive order regarding the matter said there is "credible evidence" that led him to believe Broadcom, by acquiring Qualcomm, "might take action that threatens to impair the national security of the United States." ([Bloomberg](#))
- A special election is being held today in Pennsylvania's 18th District, where state Rep. Rick Saccone (R) is facing off against former federal prosecutor Conor Lamb (D) for the seat vacated last year by Rep. Tim Murphy (R). Donald Trump Jr., the president's eldest son, campaigned with Saccone on Monday as polling data showed momentum shifting in favor of Lamb in the district, which

has sent a Republican to Congress since it first elected Murphy in 2002. (Pittsburgh Post-Gazette)

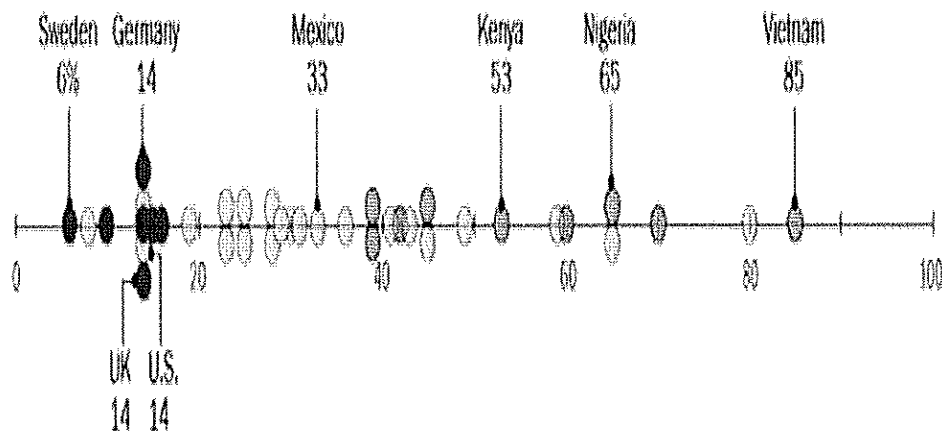
Chart Review

People in less democratic countries are more likely to say China and Russia respect personal freedoms
Pew Research Center

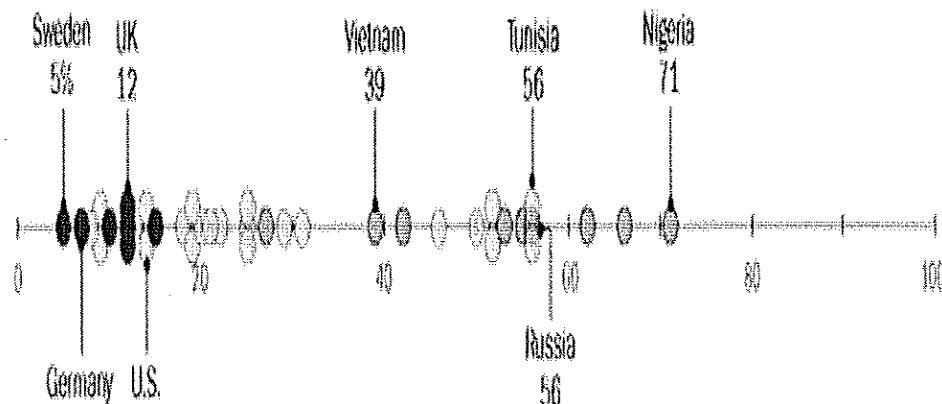
Ratings for Russian and Chinese respect for personal freedoms vary by regime type

The government of Russia respects the personal freedoms of its people

- Full democracy
- Flawed democracy
- Authoritarian or hybrid regime



The government of China respects the personal freedoms of its people



Events Calendar (All Times Local)

TUESDAY

- | | |
|---|------------|
| <u>Brookings Institution event on a war on the Korean Peninsula</u> | 9 a.m. |
| <u>New America event on self-driving cars</u> | 11:30 a.m. |
| <u>Hudson Institute event on Syria</u> | 12 p.m. |
| <u>Sen. Lee participates in AEI event on the opioid crisis</u> | 2 p.m. |
| <u>Wilson Center event on Russian President Vladimir Putin</u> | 2:30 p.m. |

WEDNESDAY

- | | |
|--|-----------|
| <u>Rep. Huizenga participates in Networks Financial Institute's insurance public policy summit</u> | 8 a.m. |
| <u>Rep. Moulton participates in AEI event on Russian President Vladimir Putin</u> | 9 a.m. |
| <u>Rep. Castro participates in Center for American Progress event on U.S.-Japan cooperation</u> | 9:15 a.m. |
| <u>Defense One event on the future of military communication</u> | 5:30 p.m. |

THURSDAY

- | | |
|---|--------|
| <u>Politico Playbook interview with Bill Gates</u> | 8 a.m. |
| <u>Sens. Ernst, Peters participate in Defense One event</u> | 8 a.m. |

DOT's Chao testifies before House Appropriations subcommittee 9:30 a.m.

DOE's Perry testifies before House Appropriations subcommittee 10 a.m.

DOI's Zinke testifies before House Natural Resources subcommittee 10 a.m.

HHS's Azar testifies before House Appropriations subcommittee 10 a.m.

VA's Shulkin testifies before House Appropriations subcommittee 10 a.m.

Sen. Rubio participates in Heritage Foundation event on Latin America 12:15 p.m.

Sen. Klobuchar, Georgian president participate in Atlantic Council event on the U.S.-Georgia partnership 2 p.m.

IMF's Lagarde participates in Washington Post event 5:30 p.m.

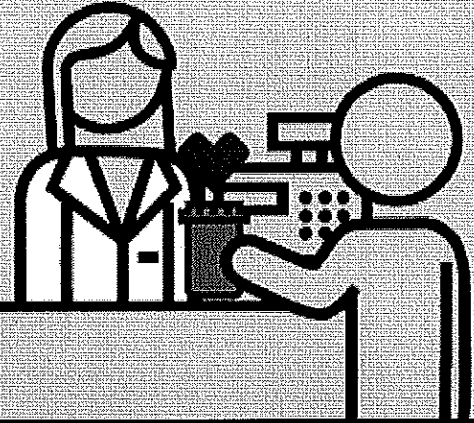
FRIDAY

Brookings Institution event on infrastructure 10 a.m.

Heritage Foundation event on national security repercussions of a NAFTA withdrawal 1:30 p.m.

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General

Roger Stone claimed contact with WikiLeaks founder Julian Assange in 2016, according to two associates
Tom Hamburger et al., The Washington Post

In the spring of 2016, longtime political operative Roger Stone had a phone conversation that would later seem prophetic, according to the person on the other end of the line. Stone, an informal adviser to then-

candidate Donald Trump, said he had learned from WikiLeaks founder Julian Assange that his organization had obtained emails that would torment senior Democrats such as John Podesta, then campaign chairman for Democratic presidential candidate Hillary Clinton.

Qataris opted not to give info on Kushner, secret meetings to Mueller

Julia Ainsley et al., NBC News

Qatari officials gathered evidence of what they claim is illicit influence by the United Arab Emirates on Jared Kushner and other Trump associates, including details of secret meetings, but decided not to give the information to special counsel Robert Mueller for fear of harming relations with the Trump administration, say three sources familiar with the Qatari discussions. Lebanese-American businessman George Nader and Republican donor Elliott Broidy, who participated in the meetings, have both been the focus of news reports in recent days about their connections to the UAE and Trump associates.

Rod Rosenstein, deputy attorney general, says Robert Mueller is 'not an unguided missile'

Kevin Johnson, USA Today

Despite unrelenting criticism from the White House on the course of the investigation into Russia's election interference, Deputy Attorney General Rod Rosenstein Monday offered unqualified support for special counsel Robert Mueller. "The special counsel is not an unguided missile," Rosenstein said in an exclusive interview with USA TODAY.

Sessions calls on U.S. attorneys to aggressively prosecute gun buyers who lie on background checks

Sari Horwitz, The Washington Post

Attorney General Jeff Sessions announced Monday that U.S. attorneys will more aggressively enforce the law that makes it a crime for gun buyers to lie on their federal background checks, one of several steps Justice Department officials outlined as part of the Trump administration's response to last month's deadly school shooting in

Parkland, Fla. The Justice Department also will increase the presence of law enforcement officers at schools and continue to review the way law enforcement agencies respond to tips from the public, Sessions said.

Pentagon chief Mattis arrives in Afghanistan, discusses reconciliation with the Taliban
Dan Lamothe, The Washington Post

Defense Secretary Jim Mattis visited Afghanistan on Tuesday to meet senior U.S. and Afghan officials and discuss both the military campaign and "peeling off" some members of the Taliban to pursue a peace deal with the Afghan government. The unannounced visit comes two weeks after Afghan President Ashraf Ghani made what many observers consider an unprecedented offer, inviting the Taliban to begin peace talks without preconditions to end the 16-year war.

Congress nears deal to crack down on sexual harassment
Heather Caygle and Elana Schor, Politico

House and Senate negotiators are nearing a deal to significantly rewrite Capitol Hill's workplace discrimination rules in the hopes of attaching it to a must-pass funding bill in the next two weeks. A sweeping overhaul of the Hill's system to address sexual harassment and other workplace misconduct passed the House easily early last month and would serve as the baseline for the proposal, according to aides briefed on the plan.

Presidential

Trump ousts Tillerson, will replace him as secretary of state with CIA chief Pompeo
Ashley Parker and Philip Rucker, The Washington Post

President Trump has ousted Secretary of State Rex Tillerson and replaced him with CIA Director Mike Pompeo, orchestrating a major change to his national security team amid delicate negotiations with North Korea, White House officials said Tuesday. Trump last Friday asked Tillerson to

step aside, and the embattled top diplomat cut short his trip to Africa on Monday to return to Washington.

Trump's Message in Blocking Broadcom Deal: U.S. Tech 'Not for Sale'

David McLaughlin and Saleha Mohsin, Bloomberg

With his swift rejection of Broadcom Ltd.'s hostile takeover of Qualcomm Inc., President Donald Trump sent a clear signal to overseas investors: Any deal that could give China an edge in critical technology will be swatted down in the name of national security. Although Broadcom is based in Singapore, China loomed large over the U.S. government's fears about a foreign takeover of chipmaker Qualcomm.

White House defends its walkback on gun law proposals

Jeremy Diamond and Allie Malloy, CNN

The White House on Monday defended its piecemeal approach to combating gun violence and insisted President Donald Trump hasn't entirely abandoned the idea of raising the minimum age for purchasing guns, hours after the President said there was "not much political support" for the initiative. "Right now, the President's primary focus is on pushing through things that we know have broad bipartisan support," White House press secretary Sarah Sanders said.

Larry Kudlow Is the New Favorite to Replace Gary Cohn

Maggie Haberman and Jim Tankersley, The New York Times

Larry Kudlow, a CNBC television commentator who has informally advised President Trump on economic issues, is currently the top contender to head the National Economic Council, according to three people close to the president. Mr. Kudlow emerged Monday as the latest favorite in a changing rotation of potential replacements for Gary D. Cohn, who said he would resign after losing a battle over the president's longstanding desire to impose large tariffs on steel and aluminum imports.

Trump Jr., donor have longtime undisclosed ties
Jake Pearson, The Associated Press

Donald Trump Jr. has a previously undisclosed business relationship with a longtime hunting buddy who helped raise millions of dollars for his father's 2016 presidential campaign and has had special access to top government officials since the election, records obtained by The Associated Press show. The president's oldest son and Texas hedge fund manager Gentry Beach have been involved in business deals together dating back to the mid-2000s and recently formed a company, Future Venture LLC, despite past claims by both men that they were just friends, according to previously unreported court records and other documents obtained by AP.

Ivanka Trump never cut ties with the Trump Organization.
That's turned into a problem.
Anita Kumar, McClatchy DC

Donald Trump isn't the only Trump with potential conflicts of interest in the White House. Ivanka Trump - a senior White House adviser who is doing everything from lobbying the Senate on tax policy to representing her father at a G20 summit of world leaders - will pull in more than \$1 million a year from the family business that has continued to develop luxury resorts across the globe during the Trump presidency.

The Trump Administration's Campaign to Weaken Civil Service Ramps Up at the VA
Isaac Arnsdorf, ProPublica

Last June, President Donald Trump fulfilled a campaign promise by signing a bipartisan bill to make it easier to fire employees of the Department of Veterans Affairs. The law, a rare rollback of the federal government's strict civil-service job protections, was intended as a much-needed fix for an organization widely perceived as broken.

Senate

Senate GOP leaders won't try to block Trump's tariffs **Burgess Everett, Politico**

Republicans have been freaking out about President Donald Trump's steel and aluminum tariffs all month. But don't expect them to do anything about it just yet.

Equifax and other credit reporting companies could get surprising benefits in Senate banking deregulation bill **Jim Puzzanghera, Los Angeles Times**

Equifax Inc. was publicly excoriated by senators last fall for its massive data breach. Now, the company and other credit reporting firms are in line to get some last-minute benefits in a banking deregulation bill that originally was designed to punish them by adding new consumer rights.

House

Despite Mueller's Push, House Republicans Declare No Evidence of Collusion **Nicholas Fandos, The New York Times**

Even as the special counsel expands his inquiry and pursues criminal charges against at least four Trump associates, House Intelligence Committee Republicans said on Monday that their investigation had found no evidence of collusion between Donald J. Trump's presidential campaign and Russia to sway the 2016 election. Representative K. Michael Conaway, the Texas Republican who is leading the investigation, said committee Republicans agreed with the conclusions of American intelligence agencies that Russia had interfered with the election, but they broke with the agencies on one crucial point: that the Russians had favored Mr. Trump's candidacy.

Trump Jr. rallies voters for Saccone on eve of election
Chris Potter, Pittsburgh Post-Gazette

Voters go to the polls today after a long run-up in the national spotlight to the special election for the seat vacated by Tim Murphy last year. Donald Trump Jr., the son of President Donald Trump, appeared alongside state Rep. Rick Saccone on Monday - a day on which polling data showed momentum shifting in favor of Mr. Saccone's Democratic rival, Conor Lamb.

Inside the DCCC's stealth effort to help Conor Lamb
Alex Roarty, McClatchy DC

Publicly, the Democratic Congressional Campaign Committee did little to help Conor Lamb. Behind the scenes was a different story.

137 U.S. House Democrats sign letter urging action against Russia
Patricia Zengerle, Reuters

Over two-thirds of U.S. House of Representatives Democrats urged President Donald Trump to enact sanctions on Russia, the latest push by lawmakers for a response to investigators' findings that Russia interfered in the 2016 U.S. election. At least 137 of the Democrats in the House signed a letter, seen by Reuters on Monday, "strongly urging" Trump to adhere to a law he signed last summer imposing sanctions on those who do business with Russia's military and intelligence sectors.

States

States vow to fight offshore drilling by any means at their disposal
Danielle Muoio and Marie J. French, Politico

The Trump administration may have the power to control what happens in federal waters, but state leaders are vowing to make it as difficult as

possible for the White House to advance its offshore drilling plan. The move has drawn opposition from both Democratic and Republican leaders in nearly every affected state and mobilized the environmental community.

Bill Dix resigns from Iowa Senate after video with lobbyist is posted

William Petroski et al., The Des Moines Register

Sen. Bill Dix, the leader of the Iowa Senate's Republican majority, resigned Monday, just hours after video was posted online showing him apparently kissing a lobbyist at a Des Moines tavern earlier this month. Dix met briefly with his Republican colleagues behind closed doors at 1 p.m.

Holder to Wisconsin to pump judge race
Edward-Isaac Dove, Politico

Eric Holder is heading to Wisconsin to campaign this week as Democrats there aim to turn a race for state Supreme Court into the next nationalized race after Tuesday's Pennsylvania special House election. The election is April 3, and Holder is backing Rebecca Dallet, a Milwaukee County circuit court judge.

Advocacy

Conservative groups pressure Congress to nix Obamacare bills in spending bill

Robert King, Washington Examiner

Conservative groups are pressuring Congress to not include two bills intended to stabilize Obamacare's insurance exchanges in a two-year spending package coming up this month. A letter from organizations including Heritage Action, Club for Growth, Freedom Partners,

FreedomWorks and Americans for Prosperity to members of Congress called the two bills "taxpayer bailouts."

Wendy Davis leaves door open to Planned Parenthood gig **Reena Flores and Anna Palmer, Politico**

Could Wendy Davis, the former Texas state senator who rose to national prominence after her marathon 2013 filibuster protesting an anti-abortion bill, be in the running to next head of Planned Parenthood? The prominent Democratic surrogate isn't ruling out the possibility.

A Message from CVS Health:

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Opinions, Editorials and Perspectives

Congress Must Act Quickly to End IRS Abuse and Protect Donor Privacy
Timothy Lee, Morning Consult

Over the past year, we've witnessed a welcome campaign of deregulation and government reform from the Trump administration and Congress, with palpably positive results. The most fearsome federal agency of all, however, remains in desperate need of permanent reform.

Who's afraid of the NRA? Trump.
Editorial Board, The Washington Post

"We're going to get things done." So said President Trump last month assuring students, teachers and parents affected by school shootings of his resolve to find solutions to gun violence.

The National Security Tariff Ruse
The Editorial Board, The Wall Street Journal

Conservatives rightly criticized President Obama for stretching the law to issue executive edicts. The same scrutiny should attend the Trump Administration's dubious use of national security and Section 232 to justify its new tariffs on steel and aluminum.

Democrats Can't Win if They Don't Run
The Editorial Board, The New York Times

Regardless of who wins the special House election in Pennsylvania on Tuesday, the Democratic candidate, Conor Lamb, has already accomplished something impressive by showing that his party ought to contest every election - no matter how daunting the odds. "You miss 100 percent of the shots you don't take," goes the line often attributed to the hockey great Wayne Gretzky and quoted in school gymnasiums ever since.

The Most Unnerving Visit to the Middle East in a Long Time **Lindsey Graham, The Wall Street Journal**

I recently returned from the Middle East, where I visited Jordan and Israel. I have been to the region many times, and this was the most unnerving visit I've taken in a long time.

Research Reports and Polling

Dem Gains in CD18 Special **Monmouth University Polling Institute**

Democrat Conor Lamb has taken a lead over Republican Rick Saccone in the special election for Pennsylvania's 18th Congressional District. The Monmouth University Poll finds PA18 voters are divided on whether recently announced steel tariffs will help or hurt the local economy, but very few say this policy will influence their vote in Tuesday's election to fill the open House seat.



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**From:** Rep88  
**Sent:** Wednesday, March 14, 2018 5:23 PM  
**To:** Reineke, Bill  
**CC:** 'William Reineke'  
**Subject:** FW: Agenda for tomorrow's Ohio House School Funding Workgroup Meeting  
**Attachments:** SFWG Agenda 3-15-2017.pdf; ATT00001.htm

**Importance:** High

See attached

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**Subject:** Agenda for tomorrow's Ohio House School Funding Workgroup Meeting  
**Importance:** High

All,

We look forward to seeing you at our regular monthly meeting tomorrow.

Attached is the agenda.